

JOBS CREATION COMMITTEE

Annual Report of Recommendations for the Professional Licensing Agency's Occupational Licensing Boards

July 1, 2015

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The Jobs Creation Committee (“JCC”) is an eight member, independent committee with appointments being made pursuant to IC 25-1-16-7.^[1] This annual report has been commissioned by the General Assembly to provide information on the current occupational licensing structures for boards and commissions that the JCC evaluated during the past twelve months..

This report is non-binding as any change to licensure law must be enacted by the General Assembly and signed into law by the Governor. Additionally, the recommendations made in this report are not reflective of public policy stances taken by the IPLA, the Governor, or the Governor’s administration. Rather, the JCC is statutorily required to make recommendations based on its exhaustive review of Indiana’s occupational licensing boards, the licenses and permits they issue, and their regulatory impact on the State’s economy.

The JCC will make itself available to members of the General Assembly, the IPLA, industry stakeholders, and other state policy makers as they determine which, if any, recommendations to pursue as potential changes to state law.

ABOUT THIS REPORT

The JCC submits this report to the Governor and the Legislative Services Agency pursuant to IC 25-1-16-13, which states:

“Sec. 13. The committee shall submit a report to the: (1) Governor; and (2) legislative services agency; not later than July 1 of each year. The report submitted to the legislative services agency must be in an electronic format under IC 5-14-6.

In review of the occupational licensing boards overseen by the IPLA, the criteria for review were established in IC 25-1-16-8, which states:

“Sec. 8. (a) The committee shall review and evaluate each regulated occupation and board. The review and evaluation must include the following:

- (1) The functions, powers, and duties of the regulated occupation and the board, including any functions, powers, or duties that are inconsistent with current or projected practice of the occupation.
- (2) An assessment of the management efficiency of the board.
- (3) An assessment of the regulated occupation's and the board's ability to meet the objectives of the general assembly in licensing the regulated occupation.
- (4) An assessment of the necessity, burden, and alternatives to the licenses issued by the board.

^[1] JCC member bios are in Appendix I, which indicate the statutory authority for each appointment.

- (5) An assessment of the fees that the board charges for licenses.
- (6) Any other criteria identified by the committee.

(b) The committee shall prepare a report concerning each regulated occupation and board that the committee reviews and evaluates. The report must contain the following:

- (1) The number of individuals who are licensed in the regulated occupation.
- (2) A summary of the board's functions and actions.
- (3) The budget and other fiscal factors of regulating the regulated occupation, including the actual cost of administering license applications, renewals, and issuing licenses.
- (4) An assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.
- (5) Any recommendations for legislation, including whether:
 - (A) the regulation of a regulated occupation should be modified;
 - (B) the board should be combined with another board;
 - (C) whether the board or the regulation of the regulated occupation should be terminated;
 - (D) whether a license should be eliminated; or
 - (E) whether multiple licenses should be consolidated into a single license.
- (6) Any recommendations for administrative changes.
- (7) Information that supports the committee's recommendations.

(c) This section does not apply to fees that support dedicated funds. After the committee has reviewed and evaluated a regulated occupation and board, the committee shall provide the agency and the board that is the subject of the committee's evaluation with recommendations for fees that the board should charge for application fees, renewal fees, and fees to issue licenses. The recommendation for fees must comply with the requirements under IC 25-1-8-2. However, the recommendation must not exceed the lesser of either one hundred dollars (\$100) or the actual administrative cost to process the application or renew or issue the license.

I. BACKGROUND INFORMATION ON OCCUPATIONAL LICENSING

Some of the background information provided in this section of the report has been updated and expanded upon from a previous report titled, “Senate Enrolled Act 421 Report: Establishing a Process for Self-Certification Registration – A Playbook for Future Regulation of Occupational Regulation in Indiana.” The report on self-certification registration was submitted in October of 2014 and included testimony from national experts on government, regulatory structures, specifically the economics of occupational licensing. This report can be found on the Indiana Professional Licensing Agency’s home page at www.pla.in.gov.

“The topic of occupational licensing in economics dates back at least to the comment by Adam Smith that trades conspire to reduce the availability of skilled craftsmen in order to raise wages. The public policy and legal communities, however, have noted that regulating occupations in order to protect the public against incompetent, untrustworthy, or irresponsible practitioners is in the public’s interest (*Thomas v. Collins* 1945).

Occupational regulation in the United States takes three forms. The least restrictive form is registration, in which individuals file their names, addresses, and qualifications with a government agency before practicing their occupation. The registration process may include posting a bond or filing a fee. In contrast, certification permits any person to perform the relevant tasks, but the government—or sometimes a private, nonprofit agency—administers an examination and certifies those who have achieved the level of skill and knowledge for certification. For example, travel agents and car mechanics are generally certified but not licensed. The toughest form of regulation is licensure; this form of regulation is often referred to as “the right to practice.” Under licensure laws, working in an occupation for compensation without first meeting government standards is illegal. In 2003 the Council of State Governments estimated that more than 800 occupations were licensed in at least one state and that more than 1,100 occupations were licensed, certified, or registered (CLEAR 2004).¹”

The most common regulatory structures used by state and local governments to oversee occupations are as follows: licensure, certification and registration.

(A) State of Indiana

The IPLA is the umbrella agency for 38 professional boards and commissions that regulate 493,079 professionals and businesses licensed to perform 134 different occupations.² More than

¹Analyzing the Extent and Influence of Occupational Licensing on the Labor Market Author(s): Morris M. Kleiner and Alan B. Krueger Source: Journal of Labor Economics, Vol. 31, No. 2, The Princeton Data Improvement Initiative (Part 2, April 2013), pp. S173-S202 Published by: The University of Chicago Press on behalf of the Society of Labor Economists and the NORC at the University of Chicago Stable URL: <http://www.jstor.org/stable/10.1086/669060>.

² Total number of active licensees as of May 22, 2015 these boards oversee 27,167 entity licenses spread across 63 different types.

332,000 people are licensed by other state agencies.³ However, an even larger percentage of workers are licensed as these totals exclude an unknown number of licenses issued (discretionally) by Indiana's municipalities for fields such as electrical, refrigeration, high pressure steam (HVACR), wrecking, heating and air conditioning, and so forth. Currently, Indiana's labor force⁴ includes 3,254,974 residents aged sixteen (16) and older.⁵ As such, more than 25 percent of Indiana's labor force requires a state license to practice.⁶

Workers in Indiana earn an average annual income of \$38,812.⁷ Excluding outliers, licensed professionals, on average, earn between \$29,000 and \$74,000.⁸ Looking nationally within these licensed professions, practitioners are paid about 18 percent higher wages due to the limitation of competition into the marketplace from the barriers to entry that is a direct result of licensing regimes. The government specifying a competency threshold for education attainment and internships/apprenticeships are positively associated with wages as there are costs associated with completing these requirements that are the responsibility of the applicant. The economic trend is consistent with a monopoly model of occupational licensing in which supply is more restricted if the licensing authority operates on a wider geographic level (i.e. municipality, state or national compact requirements).⁹ Also estimated nationally, the "cost of licensing ... in the form of lost jobs is between 0.5% and 1.0 percent" of the labor force.¹⁰ Applying the lower

³ Indiana agencies with largest number of active individual licenses are as follows: 172,984 by Alcohol & Tobacco Commission (209,180 total, including business permits, as of Sept. 26, 2014); 6460 by Dept. of Natural Resources (as of Sept. 25, 2014); 18,538 by Indiana Supreme Court (as of May 15, 2014); 12,158 by Gaming Commission (as of May 15, 2014); 63,247 by Dept. of Insurance (as of April 8, 2014); 58,709 [teachers] by Dept. of Education (as of 2010-2011 school year).

⁴ IN Departmentt of Workforce Development, *Hoosiers by the Numbers*. Available at <http://www.hoosierdata.in.gov/nav.asp?id=40>. ("For statistical purposes, the labor force is the sum of persons employed and persons unemployed and looking for work.")

⁵ 3,066,027 employed/188,945 unemployed; seasonally adjusted with March 2015 data. Indiana University's Kelley School of Business, *STATS Indiana*. Available at http://www.stats.indiana.edu/laus_sa/laus_view1.html (as of May 22, 2015).

⁶ Calculation adjusted for out-of-state residents to whom state agencies have issued licenses.

⁷ 2013 "Per Capita Personal Income" in Indiana. U.S. Dept. of Commerce, Bureau of Economic Analysis. Available at <http://www.bea.gov/iTable/iTable.cfm?reqid=70&step=1&isuri=1&acrdn=3#reqid=70&step=30&isuri=1&7022=21&7023=0&7024=non-industry&7033=-1&7025=0&7026=18000&7027=2013&7001=421&7028=-1&7031=0&7040=-1&7083=levels&7029=21&7090=70>.

⁸ Estimate based sample population of professionals working in different geographic areas in Indiana.

⁹ Analyzing the Extent and Influence of Occupational Licensing on the Labor Market Author(s): Morris M. Kleiner and Alan B. Krueger Source: *Journal of Labor Economics*, Vol. 31, No. 2, The Princeton Data Improvement Initiative (Part 2, April 2013), pp. S173-S202 Published by: The University of Chicago Press on behalf of the Society of Labor Economists and the NORC at the University of Chicago Stable URL: <http://www.jstor.org/stable/10.1086/669060>.

¹⁰ *Hearing*, (testimony of Professor and Economist Morris Kleiner) (Research by Professor Kleiner, Professor Alan Krueger of Princeton University and the former chairman of President Obama's White House Council of Economic

percentage to Indiana would result in approximately 16,000 new jobs. Consequently, more people could work and earn higher incomes if Indiana licensed fewer occupations.¹¹

(A) When Governments License

(1) Economics 101

People looking to purchase services from licensed professionals base their buying decisions in part on accessibility and price. Those who decide to purchase services have access to licensed providers and can afford to pay the necessary remuneration. Those who decide not to purchase professional services are either without access or the means to pay for the services.

When the government decides to license an occupation, it restricts the supply of people who can legally perform the occupation's "scope of practice."¹² Thus, the ability of consumers to choose is limited by shrinking the available supply of labor, which in turn, increases the prices offered by licensed professionals at an estimated 15 percent or more.¹³ This is especially detrimental to people who live in sparsely populated areas and/or are impoverished. In Indiana, more than 1.47 million people (or 22% of the total population) live in rural communities and approximately 15 percent live in poverty.^{14,15}

(2) Stunting Middle Class Growth

Melony Armstrong recently testified before Congress about Mississippi's burdensome licensing requirements imposed on African hair braiders and hair braiding instructors.¹⁶ In 2004, Ms. Armstrong teamed with others to eliminate "needless government-created barriers."¹⁷ Mississippi

Advisers, and Professor Alexandre Mas of Princeton University and former Chief Economist in the U.S. Department of Labor and the Office of Management and Budget under President Obama).

¹¹ *Hearing*, (testimony of Prof. Morris Kleiner).

¹² *Hearing*, (testimony of Prof. Gary Wolfram for Self-Certification Registration meeting, 2014).

¹³ *Hearing*, (testimony of Prof. Morris Kleiner).

¹⁴ United States Department of Agriculture, Economic Research Service. Based on 2013 census data. *Available at* http://www.ers.usda.gov/data-products/state-fact-sheets/state-data.aspx?StateFIPS=18&StateName=Indiana#.VCiPQbTp_RY.

¹⁵ Population Reference Bureau, "People Below the Poverty Level in the Past 12 Months (1-Year ACS)." (2012). *Available at* <http://www.prb.org/DataFinder/Topic/Rankings.aspx?ind=185> (last visited September 30, 2014).

¹⁶ *Barriers to Opportunity: Do Occupational Licensing Laws Unfairly Limit Entrepreneurship and Jobs?: Hearing to examine the proliferation of occupational licensing laws and the impact these have on business opportunities Before the SUBCOMM. on Contracting and Workforce of the H. COMM. on Small Business*, 113th Cong. 2-3 (2014) (written statement of Melony Armstrong, African Hairbraider, Owner of "Naturally Speaking" Salon, Tupelo, MS) (requirements included 3200 hours of cosmetology school and tuition, exam fees, and three different licensing fees).

¹⁷ *Id.* at 3.

eventually changed its laws to require only that hair braiders pay a \$25 registration fee and abide by relevant sanitation codes.¹⁸

Indiana still requires someone to obtain a cosmetology license to braid hair; meaning the person must, among other things, graduate from beauty culture school, which requires 1500 hours of training, and pass the examination for cosmetologist license applicants.¹⁹ In 2014, Indiana's State Board of Cosmetology and Barber Examiners denied licensure to someone because she disclosed on her application that she worked in a salon "and performed hair braiding." The Board denied her application for practicing without a license.²⁰ Even though this might seem unreasonable, the board was merely applying the statutory prohibition against "styling, arranging ... or similarly treating hair" without a cosmetology license.²¹

As these hair braiding examples show, licensing prevents those with unique skill-sets from working in professions in which they are otherwise capable to perform.²² Licensing's "barriers" are often too costly to overcome, especially for those who have neither the time nor the resources to pursue a license.²³

Licensing also limits "employer choice," i.e. restricting the applicant pool to only those who have licenses. The better option is the "let-the-best-man-win approach," which allows applicants to send "signals" about their qualifications or experience, and let employers choose the person they believe is the best fit for the job, licensed or not.²⁴

II. PURPOSE OF OCCUPATIONAL REGULATION REVIEW

In the past 25 years, professional licensing has significantly increased in Indiana. Currently, over 200 occupations and more than 490,000 individuals and businesses possess some type of license overseen by the IPLA, including but not limited to physicians, accountants, dietitians, landscape architects, cosmetologists and funeral directors.²⁵ While the majority of state licenses are held by

¹⁸ *Id.* at 3-4.

¹⁹ Ind. Code § 25-8-9-3.

²⁰ *Id.* § 25-1-11-19(b)(1) ("The board may refuse to issue a license ... to an applicant for licensure if the applicant practiced without a license in violation of the law.").

²¹ *Id.* § 25-8-2-5

²² DICK M. CARPENTER, LISA KNEPPER, ANGELA C. ERICKSON & JOHN K. ROSS, LICENSE TO WORK: A NATIONAL STUDY OF BURDENS FROM OCCUPATIONAL LICENSING 6 (Institute for Justice 2012) (written testimony of Lee McGrath supplied to Self-Certification Registry Legislative Panel).

²³ *Expanding Opportunity in America: A Discussion Draft from the H. BUDGET COMM.* 66 113th Cong. (2014) (authored by Chairman Paul Ryan & House Budget Committee Staff) ("Eliminating irrational or unnecessary licensing requirements would not be a panacea, but it would open up new opportunities for low-income families and reduce costs for consumers.").

²⁴ *Hearing*, (testimony of McGrath).

²⁵ Indiana Professional Licensing Agency as of May 22, 2015 (See Exhibit A).

the IPLA, this doesn't include the state licenses held by other state agencies or required by municipalities.

It is the opinion of the JCC that the growth in licensing regimes – and the inability to remove regulatory, licensing structures once enacted by the General Assembly – appears to be related to four main factors: 1) the absence of a formal set of standards to determine whether an occupation should be licensed, fully weighing the economic principles of public safety and consumer choice, 2) political organizations, i.e. trade associations, who lobby for increase protections of their industries in order to insulate their professions from free market principles, 3) the unwillingness of the General Assembly to reduce regulations in licensed professions given the considerable financial investment made by education providers and practitioners to meet state requirements and obtain a license, and 4) the previous lack of regulatory oversight in Indiana following the elimination of the Indiana Sunset Evaluation Commission (“ISEC”).

The formal charge of the ISEC, which was created by the General Assembly in 1979, was to review licensing regulations. In the mid-1980's, the Commission was eliminated. Since that time, the State has added more than 80 new license types. Over the last five years, a renewed focus has been on regulatory structures in Indiana and the impact of the regimes on the economy. Other review boards have been created since the elimination of the ISEC.

In 2010, the Regulated Occupations Evaluation Committee (ROEC) was created. This committee was later dissolved by the Legislature and restructured to the current form that is the Jobs Creation Committee (2014). The lack of consistency and constant change of this regulatory oversight body has hindered its ability to effectively reverse the tide of licensing realized in Indiana.

III. JCC ASSESSMENT FRAMEWORK

The JCC held public meetings, during which testimony was presented by IPLA staff pertinent to board operations, the Office of the Attorney General on the consumer complaint process, industry stakeholders regarding their profession, association representatives covering their role in the industry and the general public. IPLA staff worked with all individuals and associations who testified, so they knew the statutory obligations of the JCC and the types of questions that would need to be answered.

The JCC is required by statute to report the following, pursuant to IC 25-1-16-8:

- (1) The number of individuals licensed in the regulated occupation.
- (2) A summary of the board's functions and actions.
- (3) The budget and other fiscal factors of regulating the regulated occupation, including the actual cost of administering license applications, renewals, and issuing licenses.
- (4) An assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.
- (5) Any recommendations for legislation, including whether:

- (a) the regulation of a regulated occupation should be modified;
 - (b) the board should be combined with another board; or
 - (c) whether the board or the regulation of the regulated occupation should be terminated;
 - (d) whether a license should be eliminated; or
 - (e) whether multiple licenses should be consolidated into a single license.
- (6) Any recommendations for administrative changes.

These questions are answered individually in the board review sections of the report.

In order to evaluate and review all license types in a fair and consistent way pursuant to statute, the JCC established a conceptual framework for each of the regulated occupations aimed at answering two questions: (1) Should the state of Indiana be involved in any form of regulation (e.g., licensing, certification or registration) of a particular occupation (Part A), and if so, (2) What questions should be asked to determine whether a regulatory program is accomplishing its public purpose in a cost-effective manner or needs to be buttressed or reformed in some specific way (Part B)?

(A) Part A

The criteria developed for Part A aims to evaluate the public need for the profession to be regulated by the State of Indiana by determining the level of risk, alternatives to regulation and ultimately the cost-benefit impact. Five basic scoring criteria were established to do so:

1. **Risk Analysis.** Do consumers face a significant risk of harm from purchasing the goods or services of a particular professional? What is the nature of the harm, the likelihood and severity of the harm, and the potential for irreversible harm to the consumer?
2. **Informed Consumer Choice/Trial and Error.** To what extent do individual consumers have the experience or ability, by means of trial and error, to make informed risk-benefit decisions about purchasing goods or services from a particular professional?
3. **Self-regulation by the Profession.** Is the profession capable of organizing itself (on a local, state, national or international basis) to ensure an acceptable degree of competence without any regulatory program?
4. **Legal Alternatives to Regulation.** In the absence of an IPLA regulatory program, would consumers have adequate legal protections to deter incompetent or fraudulent behavior by professionals and to seek redress or compensation for avoidable harms?
5. **Benefit-Cost Determination.** Are the consumer benefits of an IPLA regulatory program (e.g., reduced harm to consumers and/or higher levels of public trust in professionals) likely to justify the anticipated costs of a regulatory system (e.g., licensing fees,

potentially higher prices for goods or services, and any administrative costs of implementing and enforcing a meaningful regulatory system)?

Following the presentation of a licensing board under review, including substantial question and answer dialogue and public comments, the JCC members then discussed the information provided, tabling preliminary recommendations until having meetings in June. At the June 2 and 17 meetings, the JCC scored the professions and deliberated over recommendations to streamline each regulated profession.

The average score of all the JCC members is used to help address the overall question of whether or not the State of Indiana should be involved in any form of regulation (e.g. licensing, certification or registration) of a particular occupation. The JCC evaluation calls for a systematic review of all professional license types within a five year period. This broad review of all license types is similar to a sunset review approach in that all licenses are included in the review and will be evaluated based on their merits under the same framework. However, the JCC acknowledges that many true “sunset” recommendations, outside of the administration’s capabilities through internal policies and rule promulgation, require legislative action in order to discontinue or change how a profession is regulated.

(B) Part B

In addition to Part A, a list of questions was developed to explore possible reforms to licensing that might increase consumer protection as well as reduce any regulatory burden. The questions aim to determine whether the program is working properly, whether it is cost-effective, and whether any other reforms are appropriate. The JCC has five years to review all 38 boards overseen by the IPLA, so the process continues to be ongoing.

Here are the questions:

1. To what extent does the state engage in proactive surveillance, inspections or site visits to determine whether practitioners are in compliance with regulatory requirements?
2. When a complaint is lodged against a particular professional, is the process used to address the complaint fair, timely, defensible, and efficient?
3. What is the nature of complaints received by the board? Do they typically involve potential negative impacts to consumers? Do they typically represent the concerns of impacted consumers or the concerns that professionals have about their colleagues?
4. Are the potential risks to consumers that justify regulation addressed explicitly and adequately in the initial and ongoing regulatory requirements for a particular occupation/profession?
5. Is there evidence that the regulatory system has effectively reduced risk to the consumer?

6. Is the choice of regulatory mechanism (e.g., license, certification or registration) appropriate, given the nature of the occupation/profession and the costs and benefits of regulation?
7. Are the requirements for continuing education of professionals, including associated fees, reasonable and cost-effective given the nature of the risks to consumers, the complexity of knowledge that underpins the profession, and the pace of change in knowledge about how professionals should do their work?
8. Is there evidence that the regulatory system is adversely affecting the supply of professionals and thereby raising the price of goods or services to consumers?
9. Are adequate resources available to carry out the statutory regulatory function in a fair, effective, trustworthy and cost-effective manner?
10. Is there a reasonable relationship between the fees paid by the professionals in a particular occupation and the quality of the regulatory system that is delivered on behalf of consumers?
11. Is the state the best regulator for the profession? Could the private sector/association assume responsibilities in administering licenses, continuing education and/or examinations?
12. Does CE benefit the industry? Is there a more effective/efficient model?
13. Could the profession/board be combined with another licensing board to streamline operations? What can the administration do to modernize and streamline licensing operations for practitioners?
14. What's the average wage of professionals in the industry (BLS data to support claim)? What's the average income? What is the salary range of the practitioners?

From September 18, 2014 to April 16, 2015, 11 boards were reviewed by the JCC:

September 18, 2014

- Indiana Board of Accountancy

October 16, 2014

- State Board of Registration for Architects and Landscape Architects
- Home Inspector Licensing Board

January 15, 2015

- State Board of Registration for Professional Engineers
- State Board of Registration for Professional Surveyors

February 19, 2015

- Private Investigator and Security Guard Licensing Board
- Manufactured Home Installer Licensing Board

March 19, 2015

- State Board of Funeral and Cemetery Service
- Committee on Hearing Aid Dealer Examiners

April 16, 2015

- Indiana Plumbing Commission
- Indiana Auctioneer Commission

From the review of these 11 boards, 45 different license types are covered. As described earlier in the report, each JCC member evaluated and scored each license type individually under Part A of the framework. Each member also thoroughly reviewed all submitted documentation and presentation materials submitted to the JCC. All of the voting members' scores were averaged to determine the overall score. These figures were used to guide the recommendations for each board and license type.

The JCC believes that the framework and review of current licenses would benefit future legislative discussions when considering the impact of adding more regulations or licenses. As such, in recent years, proposals to add licenses have included the following occupations: midwives (passed), diabetes educators (passed), court reporters (failed), playground installers (failed), electricians (failed), among others.

Review prior to the establishment of the license type could ensure that Indiana only approves new regulations after due consideration of all relevant factors. The review, a “sunrise” review, might be similar to the JCC evaluation framework outlined in this report, including an assessment of risks, alternatives to regulation, cost-benefit analysis, and consideration of resources available for administrative oversight.

IV. COMMITTEE REPORTS AND RECOMMENDATIONS

Pursuant to IC 25-1-16-14, the Jobs Creation Committee received additional public input throughout its proceedings in 2015 and 2016 regarding preliminary recommendations to change a licensing board's structure or continued issuance of a license. The Indiana Professional Licensing Agency submitted an addendum to this report upon receipt of the Jobs Creation Committee's final recommendations. This report has been updated by the addendum and includes final recommendations from the Jobs Creation Committee.

(A) Indiana Board of Accountancy

1. **Identify the functions, powers, and duties of the regulated occupation and the board, including any functions, powers or duties that are inconsistent with current or projected practice of the occupation.**

Definition of the Practitioner

IC 25-2.1-1-10: "Practice of Accountancy"

Sec. 10. (a) "Practice of accountancy" means the performance or the offering to perform by a licensee of a service involving:

- (1) the use of accounting or auditing skills, including the issuance of reports on financial statements;*
- (2) management advisory, financial advisory, or consulting services; or*
- (3) the preparation of tax returns or the furnishing of advice on tax matters.*

(b) The term does not include the performance or offering of the following services if the person performing or offering the services is not a licensee and no representation is made that the person performing or offering the service is a licensee:

- (1) The selling and installing of data processing or bookkeeping equipment and forms.*
- (2) The preparation of tax returns.*
- (3) The performance of bookkeeping.*

Establishment of the Board

IC 25-2.1-2-3: Membership of board; qualifications

Sec. 3. (a) The board consists of six (6) members appointed by the Governor.

(b) Five (5) members must meet the following conditions:

- (1) Be a resident of Indiana.*
- (2) Be a certified public accountant under IC 25-2.1-3 or IC 25-2.1-4.*

(c) One (1) member must meet the following conditions:

- (1) Be a resident of Indiana.*
- (2) Be a consumer who is not certified under this article but has professional or practical experience in the use of accounting services and financial statements that qualify the individual to make judgments about the qualifications and conduct of individuals and firms under this article.*

Role of the Board

The Indiana Board of Accountancy was created by IC 25-2.1-2-2 and is statutorily responsible for the administration and enforcement of IC 25-2.1-2.

Nothing was discovered that indicates the board or licensees are acting in a manner inconsistent with the current or projected practice of the occupation; however, other methods were identified to improve the regulatory management structure of the program and are summarized in No. 10.

2. Assess the structure and the management efficiency of the board and the Indiana Professional Licensing Agency.

The IPLA helps facilitate the responsibilities of the Indiana Board of Accountancy by employing one (1) director, one (1) assistant director, three (3) customer service representatives, and one (1) compliance officer. The annual salary budget for all six employees is \$162,186. In factoring the costs to process licenses, it is important to recognize that the IPLA is an umbrella agency for 38 additional boards and commissions. The staffers working for the Board of Accountancy also serve other boards. “Group 14” also manages licensing board operations for massage therapists, optometrists, plumbers, physical therapists and occupational therapists.

Additionally, the agency’s executive staff provides services to the entire agency and should be considered in this analysis. This includes the executive director, deputy director, chief legal counsel, staff attorney, director of communication and legislative affairs, controller, controller staff, IT director and IT staff. The cost of administering and managing accountancy-related licenses would be even higher when factoring in the attorney general’s office, which includes their expenses of Advisory Counsel to the Board, prosecution and senior management from both advisory and litigation.

The IPLA manages 13,913 active licenses for the Board of Accountancy.

The director, assistant director and compliance officer salaries are partially funded by the enforcement fund. The director and assistant director have approximately 20% (\$15,064) of their annual salaries (\$75,322) paid for through this fund while the compliance officer has a varying percentage based on the amount of time that individual spends on the accountancy profession.

3. Assess the regulated occupation's and the board's ability to meet the objectives of the General Assembly in licensing the regulated occupation.

The IPLA and the Board of Accountancy have met the standards and statutes imposed by the General Assembly in providing adequate service to the accountancy profession and its licensees. The CPA Society did offer

recommendations to improve the functionality of the board in regulating the industry. For more information, please see recommendations from the CPA society (No. 8) and the policy statement from the JCC (No. 10) regarding the operational structure of the agency and the board.

4. Assess the fees that the board charges for licenses.

The IPLA has a General Fund appropriation that is not board specific and is used to support the agency's operations for all 38 of its licensing boards and commissions. Licensing fees are not dedicated to the profession. The Accountancy Board does have an "Investigative Fund," and it is worth exploring legislative options to better utilize and administer those resources. An assessment of the fees charged by the Board is as follows:

CPA Certificate of Registration - 3 years

- First year of cycle (July 1, 2015 - June 30, 2016) - \$85*
- Second year of cycle (July 1, 2016 - June 30, 2017) - \$60*
- Third year of cycle (July 1, 2017 - June 30, 2018) - \$35*

CPA Application

- Reciprocity - \$85*
- Transfer of Grades - \$85*

CPA/AP/PA Renewal - 3 years

- Renewal - \$105.00**
- Reinstatement
 - Expired 0-3 years - \$50
 - Expired more than 3 years - \$85

Permit for Firms - 3 years

- Issuance - \$30
- Renewal - \$30
- Restoration Fee - \$50

Professional Corporation - 2 years

- Issuance - \$25
- Renewal - \$20

*Fees include an additional \$10 for the accountancy investigative fund

**Fee includes an additional \$30 for the accountancy investigative fund

872 IAC 1-1-10.5 - Accountant Investigative Fund
IC 25-1-8 Fees

The Enforcement Fund is established by IC 25-2.1-8-4.

Sec. 4. (a) The accountant investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the Indiana Professional Licensing Agency.

Since the creation of the fund, \$475,964 has been paid into the fund and \$241,759 has been paid out.

- Monies paid to the fund may include those paid by licensees (for example, the \$105 renewal fee is broken down so that \$75.00 of that fee goes towards the PLA's general fund, while \$30.00 goes towards the enforcement fund and monies from civil penalties.
- Monies going out of the fund include salary costs, fringe, supplies, out-of-state travel, registration and dues, IOT fees, tech support, postage and an HR service fee. For 2014, all of these fees combined to cost roughly \$33,404.

5. List the number of individuals who are licensed in the regulated occupation.

To date, the total number of active licenses with the Indiana Board of Accountancy is 13,913.

Certified Public Accountant (CPA)

- Required for anyone practicing accounting services in the State of Indiana

- a.) 12,328 active licenses in Indiana
- b.) 990 new licenses issued in past three-year renewal cycle (6/2012-9/2014)

Public Accountants (PA)

- Performs same functions as a CPA but not allowed to perform attest services

- a.) 65 active licenses in Indiana
- b.) These licenses are no longer issued

Accounting Practitioner (AP)

- a.) 11 active licenses in Indiana
- b.) These licenses are no longer issued.

Accountancy Professional Corporation

- *Required by businesses that fall under the professional corporation description (IC 23-1.5-2)*

- a.) 297 active corporate licenses
- b.) 9 licenses issued in past three-year renewal cycle (6/2012-9/2014)

Firm Permit

- *Required for all accounting businesses in Indiana (IC 25-2.1-5)*

- a.) 1,212 active permits
- b.) 117 permits licenses issued in past three-year renewal cycle (6/2012-9/2014)

6. Provide the budget and other fiscal factors for regulating the regulated occupation, including the actual cost of administering license applications, renewals and issuing licenses.

The IPLA has a General Fund appropriation that is not board specific. The General Fund appropriation is used to support the agency operations for 38 licensing boards and staff. Licensing fees are not dedicated to the profession. The Accountancy Board does have an “Investigative Fund,” and it is worth exploring legislative options to better utilize and administer those resources.

To review the staffing costs associated with administering licenses and renewals for the Indiana Board of Accountancy, please see No. 2. For the costs associated with having the Board and paying per diem, travel and court reporters for board meetings, please see the last page of this section after the recommendation from the JCC.

7. Provide an assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

Excerpt from the International Federation of Accountants® IFAC Policy Position 1: Regulation of the Accountancy Profession, September 2011, The Accountancy Profession²⁶:

“Members of the accountancy profession contribute to their communities in a wide variety of different roles, and within a range of different organizations.

Professional accountants work in, and contribute to, virtually all sectors of the economy, fulfilling diverse roles.

Professional accountants:

²⁶ Information submitted by the Indiana CPA Society during their presentation to the JCC.

- Contribute to the growth of individual companies, support and sustain non-profit organizations, and assist governments in achieving their economic and social objectives
- Promote financial market performance, through the reporting of, and providing assurance on, financial information on which investors and other stakeholders rely in making resource-allocation decisions.

In these ways and others, professional accountants contribute to the growth of economies and ultimately to the well-being of society.”

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Additional excerpt from a report on US Accounting Services published in March of this year.

“Firms in the accounting profession are certified to audit the accounting records of public and private organizations and to attest to compliance with generally accepted accounting practices. Certified public accountants (CPAs) provide a variety of accounting services, including auditing accounting records, designing accounting systems, preparing financial statements, developing budgets and providing advice on matters related to accounting.” IBISWorld.com

- With the majority of CPA Society members in public accounting and approximately 36 percent of membership holding positions in industry, government and education, CPAs effect countless business decisions being made in Indiana and elsewhere every day. They contribute immeasurably to the economic success of the state, the country and Indiana citizens.
- For more than 100 years, the profession has provided essential services to both individuals and companies of all sectors and sizes in support of a system of voluntary tax compliance at the federal and state level.

8. Assess the necessity, burden, and alternatives to the licenses issued by the board.

The field of accountancy is regulated in all other states. The JCC did not find that Indiana’s licensing requirements and structure to be burdensome for licensees.

Following the discovery of the ENRON scandal in 2001, CPAs and firms conducting audits for public companies were under increased scrutiny. They are required to be licensed under the accounting and auditing standards established by the Sarbanes-Oxley Act, which was enacted in 2002 (Public Law 107-204., 107th Congress).

Prior to 2007, Indiana had multiple licenses for accounting professionals: Certified Public Accountant, Public Accountant and Accounting Practitioner. Effective July 1, 2007, the AP and PA classes of accounting licenses were discontinued and existing licensees were grand-fathered in the statute (IC 25-2.1-6-4.5).

Alternatives to the licensing structures currently in place were discussed, but the JCC does not see a more efficient avenue to administratively handle the workload to license certified public accountants in Indiana.

For additional information, please see the policy statement recommendation (No. 10).

9. List any other criteria identified by the JCC.

The Indiana CPA Society recommended changes and clarifications to the statute that the JCC finds persuasive.

The Indiana CPA Society recommends the following for consideration regarding continuing education requirements and best practices for the industry:

- i. Competency-based pilot program
 - The Indiana CPA Society has been drafting the guidelines for this program and wouldn't require the IPLA to create the criteria.
- ii. Duplication of functions
 - CPA Society currently does many functions that PLA also does, i.e. auditing. The CPA Society would be willing to take on sole control of this process and others.

The Indiana CPA Society also recommends the following changes:

- i. Consider private sector support for administrative functions of IPLA
- ii. CPE audit, draft rules, peer review, license renewal
- iii. Create a new model for professional development
- iv. Develop education at all levels that recognize the use of technology and new learning methodology
- v. Establish a regulatory framework for new professional development model for license renewal

vi. Indiana innovation and leadership

The Indiana CPA Society recommends the following statutory changes:

- i. Better utilization of the Enforcement Fund
 - 1. Established in 2007 (IC 25-2.1-8-4)

- 10. Include any recommendations for legislation, including whether: the regulation of a regulated occupation should be modified; the board should be combined with another board; or whether the board or the regulation of the regulated occupation should be terminated; whether a license should be eliminated; or whether multiple licenses should be consolidated into a single license. The report should also include any recommendations for administrative changes and information that supports the Committee's recommendations. This section does not apply to fees that support dedicated funds. After the Committee has reviewed and evaluated a regulated occupation and board, the Committee shall provide the agency and the board that is the subject of the Committee's evaluation with recommendations for fees that the board should charge for application fees, renewal fees, and fees to issue licenses. The recommendation for fees must comply with the requirements under IC 25-1-8-2. However, the recommendation must not exceed the lesser of either one hundred dollars (\$100) or the actual administrative cost to process the application or renew or issue the license.**

The Jobs Creation Committee recommends keeping the Indiana Board of Accountancy and all of the licenses issues by the Board. The JCC supports the CPA Society's recommendations as outlined in No. 9. The JCC finds it persuasive that an outside entity, professional organization or association be the responsible entity for the administrative functions of licensing CPA's as an agent of the State of Indiana and that this entity also be responsible for setting the acceptable level of qualifying and continuing education standards for the industry.

The JCC also recommends that the Board still exist to enforce licensure law and discipline licensees who violate license law and that those cases are prosecuted by the Indiana Attorney General's Office.

Indiana Board of Accountancy Costs

| Board Member Travel Reimbursements | 17-Jan-14 | 21-Feb-14 | 25-Apr-14 | 16-May-14 | 18-Jul-14 | 12-Sep-14 | 21-Nov-14 |
|---|-------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Randall Effner | \$17.60 | \$17.60 | \$17.60 | \$17.60 | \$17.60 | \$17.60 | \$17.60 |
| Jamie O'Brien | \$280.73 | \$280.73 | \$267.22 | \$272.73 | \$285.73 | \$254.22 | \$272.73 |
| Michael Vargo | \$24.64 | -- | \$24.64 | \$24.64 | \$24.64 | \$24.64 | \$24.64 |
| JP Kane | -- | \$30.80 | \$30.80 | \$30.80 | \$30.80 | \$30.80 | \$30.80 |
| Angela Zirkelbach | -- | \$16.72 | -- | -- | -- | \$16.72 | -- |
| Gregory Coy | -- | -- | -- | -- | -- | -- | -- |
| Monthly Totals | \$322.97 | \$345.85 | \$340.26 | \$345.77 | \$358.77 | \$343.98 | \$345.77 |
| Total Travel Costs | \$2,403.37 | | | | | | |

| Board Member Per Diem Payments | 17-Jan-14 | 21-Feb-14 | 25-Apr-14 | 16-May-14 | 18-Jul-14 | 12-Sep-14 | 21-Nov-14 |
|---------------------------------------|-------------------|---|-----------------|-----------------|----------------|----------------|----------------|
| Randall Effner | \$50.00 | \$50.00 | \$50.00 | \$50.00 | -- | -- | -- |
| Jamie O'Brien | \$50.00 | \$50.00 | \$50.00 | \$50.00 | -- | -- | -- |
| Michael Vargo* | \$50.00 | -- | \$50.00 | \$50.00 | \$50.00 | \$50.00 | \$50.00 |
| JP Kane | -- | \$50.00 | \$50.00 | \$50.00 | -- | -- | -- |
| Angela Zirkelbach | \$50.00 | \$50.00 | \$50.00 | \$50.00 | -- | -- | -- |
| Gregory Coy | -- | -- | -- | -- | -- | -- | -- |
| Monthly Totals | \$200.00 | \$200.00 | \$250.00 | \$250.00 | \$50.00 | \$50.00 | \$50.00 |
| Per Diem Total | \$1,050.00 | <i>*As of 12/11/14, Vargo was the only member to complete per diem forms.</i> | | | | | |

| Court Reporter Costs | 17-Jan-14 | 21-Feb-14 | 25-Apr-14 | 16-May-14 | 18-Jul-14 | 12-Sep-14 | 21-Nov-14 |
|----------------------------------|-------------------|--|-----------|-----------|-----------|-----------|-----------|
| Circle City Court Reporters | \$135.00 | \$190.00 | \$180.00 | \$90.00 | \$90.00* | \$270.00* | \$202.50 |
| Total for Court Reporters | \$1,157.50 | <i>*Costs were paid from the Accountancy Investigative Dedicated Fund.</i> | | | | | |

| | |
|--|-------------------|
| TOTAL Board Operations Costs for 2014 | \$4,610.87 |
|--|-------------------|

Note: Costs are not representative of attendance as some members choose not receive payment.

(B) State Board of Registration for Architects and Landscape Architects

- 1. Identify the functions, powers, and duties of the regulated occupation and the board, including any functions, powers or duties that are inconsistent with current or projected practice of the occupation.**

Definition of the Practitioner

IC 25-4-1-17: Acts constituting practice of architecture

Sec. 17. The practice of architecture is the performance of professional services embracing the safe, healthful, scientific, aesthetic or orderly coordination of the planning, designing, erection, alteration or enlargement of any public or private building or buildings, structure or structures, project or projects, or any part thereof, or the equipment or utilities thereof or the accessories thereto, when such professional services require the application of the art and science of construction based upon the principles of mathematics, aesthetics, or the physical science acquired by education or training, and when such services are performed through the media of consultation, evaluation, investigation, preliminary study, plans, specifications, contract documents, or supervision of construction. Any one (1), or any combination of the foregoing services by a person shall constitute the practice of architecture. A building is any structure consisting of foundation, floors, walls, columns, girders, beams and roof, or a combination of any number of these parts, with or without other parts and appurtenances thereto.

IC 25-4-2-1: Landscape Architects

Sec. 1. (a) As used in this chapter, "board" means the board of registration for architects and landscape architects as established under IC 25-4-1-2.

(b) As used in this chapter, "landscape architecture" means the practice of professional services such as consultation, investigation, reconnaissance, research, planning, design, or responsible supervision to develop land areas for the dominant purpose of preserving, enhancing, or determining:

- (1) proper land uses;*
- (2) natural land features;*
- (3) ground cover and planting;*
- (4) naturalistic and aesthetic values;*
- (5) the settings and approaches to structures or other improvements;*
- (6) the natural environment of a facility, an individual building, or other structure;*
- (7) site specific natural surface and subsoil drainage systems;*
- (8) landscape grading, swales, curbs, and walkways; and*
- (9) any inherent problems of the land relating to erosion, overuse, blight, or other hazards. The term includes the location and arrangement of the*

proposed tangible objects and features that are incidental and necessary to accomplish the purposes of landscape architecture.

Establishment of the Board

In 1929, the State created the Architect Board. The statute establishing certification for landscape architects was added in 1981. It prohibited a practitioner from using the title “landscape architect” unless certified by the Board. In 1985, it was changed to a practice act, requiring that anyone practicing landscape architecture be registered, even if they don’t use that exact title under IC 25-4-1-2.

The State Board of Registration for Architects and Landscape Architects is currently comprised of eight members appointed by the Governor: five members are registered architects who have had at least ten years of architectural practice; two are registered landscape architects who have had at least 10 years of landscape architectural practice; and one member is a consumer member.

All appointments are made for three year terms. There are no limits to the number of terms an appointee can serve.

Role of the Board

The Board’s primary functions are to review credentials for architect and landscape architect applicants, administer licenses to qualified individuals and implement administrative disciplinary actions against licensees who are not practicing according to the Board’s statutes and rules.

The Board also investigates the unlicensed practices of individuals and firms offering architecture and landscape architecture services in Indiana.

The IPLA leads in crafting legislation with input from the State Registration of Architects & Landscape Architects on related matters that work to benefit consumers and licensees in their industry.

Nothing was discovered that indicates the board or licensees are acting in a manner inconsistent with the current or projected practice of the occupation; however, recommendations are being made by the JCC to improve the regulatory management structure of the profession and how funds are utilized. Please see the JCC’s statement in No. 10 of this report for the recommendations and additional information.

2. Assess the structure and the management efficiency of the board and the Indiana Professional Licensing Agency.

The Indiana State Board of Registration of Architects & Landscape Architects operates with one board director (BD), one assistant director (AD) and four customer service representatives (CSR). The starting salary for a CSR is \$22,724. The starting salary for an AD is \$33,748, and board directors start at \$41,574. Fringe benefits are in addition to these figures. The annual salary budget for all 6 employees is approximately \$166,218.

Of note, the BD and AD salaries are partially funded (10% of their annual salaries) by the Investigative Fund, which totals approximately \$7,532.00.

In factoring the costs to process licenses, it is important to recognize that the IPLA is an umbrella agency for 38 additional boards and commissions. The staffers working for the Indiana State Board of Registration of Architects & Landscape Architects also serve other boards. Specifically, “Group 10” includes Architects/Landscape Architects, Professional Engineers, Land Surveyors, Athletic Trainers and Private Investigators/Security Guards. These boards and the composition of each group are assigned by the agency director.

The agency’s executive staff also provides services to the entire agency and should be considered in this analysis. This includes the executive director, deputy director, chief legal counsel, staff attorney, communications director, legislative director, controller, controller staff, IT director and IT staff. The cost of administering and managing these licenses would be even higher when factoring in the attorney general’s office, which includes their expenses of Advisory Counsel to the Board, prosecution and senior management from both advisory and litigation.

3. Assess the regulated occupation's and the board's ability to meet the objectives of the General Assembly in licensing the regulated occupation.

The IPLA and the Indiana State Board of Registration of Architects & Landscape Architects have met the standards and statutes imposed by the General Assembly in providing adequate service to the architecture profession and its licensees. Based on the information provided to the JCC, recommendations were submitted. The policy statement from the JCC is No. 10 regarding the operational structure of the agency and the board.

4. Assess the fees that the board charges for licenses.

The IPLA has a General Fund appropriation that is not board specific and is used to support the agency’s operations for all 38 of its licensing boards and commissions. Licensing fees are not dedicated to the profession. The State Board of Registration of Architects & Landscape Architects does have an “Investigative Fund,” and the JCC finds it persuasive for the fees being paid into

the account to be reviewed by the Board given that much of the fund is underutilized. An assessment of the fees charged by the Board is as follows:

Application by Examination - \$170

Application by Reciprocity

Reciprocity applicants are candidates who have been licensed as an architect/landscape architect in another state, which may or may not be substantially equivalent. The application varies whether they are reciprocating their license with or without National Council of Architectural Registration Boards (NCARB) or Council of Landscape Architectural Registration Boards (CLARB).

a.) Reciprocity *with* NCARB or CLARB - **\$220**

b.) Reciprocity *without* NCARB or CLARB - **\$520**

Renewal 12/31/odd year - \$120

Reinstatement after 3 or less years - \$170

Reinstatement after 3 or more years - \$340

Professional Corporation Application Fee - \$25

The biennial fee for a landscape architect license is consistent with the national average of \$110.²⁷

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Investigative Fund established by IC 25-4-1-32,

Sec. 32. (a) The registered architects and registered landscape architects investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the attorney general and the Indiana professional licensing agency...

(e) Money in the fund is continually appropriated for use by the attorney general and the Indiana professional licensing agency to administer and enforce the provisions of this article and to conduct investigations and

²⁷ Testimony from the Indiana Chapter of the American Society of Landscape Architects (INASLA) on Oct. 16, 2014.

take enforcement action against persons violating the provisions of this article.

Since the creation of the fund in October 2012, \$73,540 has been paid into the fund and \$16,967 has been paid out.

- a) Monies paid in to the fund may include those paid by licensees (for example, the \$120.00 renewal fee is broken down so that \$100.00 of that fee goes towards the PLA's general fund while \$20.00 goes towards the enforcement fund) and monies from civil penalties.
- b) Monies going out of the fund include salary costs, fringe, supplies, out-of-state travel, registration and dues, IOT fees, tech support, postage, and an HR service fee. Projected costs for 2015, all of these fees combined to cost roughly \$34,124.

5. List the number of individuals who are licensed in the regulated occupation.

To date, the total number of active licenses with the State Board of Registration of Architects & Landscape Architect is **3793**.

Architects

- Required for anyone practicing architect services in the State of Indiana

- a.) 3286 active licenses in Indiana
- b.) 142 new licenses issued since January 1, 2014 (beginning of renewal cycle)

Landscape Architects

- Required for anyone practicing landscape architect services in the State of Indiana

- a.) 411 active licenses in Indiana
- b.) 24 new licenses issued since January 1, 2014 (beginning of new renewal cycle)

Architect Professional Corporation

- Required by businesses that fall under the professional corporation description (IC 23-1.5-2 and IC 23-1.5-2-3(a)(2))

- a.) 96 active corporate licenses

6. Provide the budget and other fiscal factors for regulating the regulated occupation, including the actual cost of administering license applications, renewals and issuing licenses.

The IPLA has a General Fund appropriation that is not board specific. The General Fund appropriation is used to support the agency operations for 38

licensing boards and staff. Licensing fees, as outlined in No. 4 of this report, are not dedicated to the profession. Indiana State Board of Registration of Architects & Landscape Architects does have an Investigative Fund (IC 25-4-1-32), and the JCC finds it persuasive for the fees being paid into the account to be reviewed by the Board given that much of the fund is underutilized.

Of the \$73,540 collected from licensing fees, only \$16,967 has been spent. The fund pays for salary costs, fringe, supplies, out-of-state travel, registration and dues, IOT fees, tech support, postage, and an HR service fee. The specific fee of \$20 could be reduced or use of the fund increased by the agency. The statutes in place grant enough flexibility where a legislative fix should not be necessary.

To review the staffing costs associated with administering licenses and renewals for the State Board of Registration of Architects & Landscape Architects, please see No. 2. For the costs associated with having the Board and paying per diem, travel and court reporters for board meetings, please see the last page of this section after the recommendation from the JCC.

7. Provide an assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

The health of the economy is tied to the building sector. When the building sector expands, it positively impacts every other U.S. sector and industry. Virtually every U.S. industry – from steel, concrete, insulation, mechanical and electrical equipment, solar systems, glass, wood, metals, tile, fabrics, engineering, banking, development, real estate, manufacturing, construction, wholesale, retail and distribution – depends on the demand for products and services generated by the construction industry.

Architecture is the leading edge of the construction industry that accounts for one in nine dollars of Gross Domestic Product. Every \$1 million invested in building design and construction yields 28.5 full-time jobs. When a client hires an architect, 30 additional jobs are created to build what the architects design.

Architecture is a small business profession: more than 97 percent of architecture firms employ 50 or fewer people. Many are sole practitioners.

Average salaries at firms range from around \$150,000 for firm leaders to \$40,000 for new hires. Most firms offer a salary increase to employees when they become licensed.

The licensure of architects and landscape architects is based on a national licensing model which is integrally related to educational standards as defined and accredited by NAAB/LAAB, minimum levels of work experience (Intern Development Program) as determined by NCARB/CLARB, and the completion

and passing of testing parameters (Architect Registration Examination) set by NCARB/CLARB. However, none of these agencies is involved in the granting of licenses to individuals, but serve mainly as the repository of information about candidates seeking licensure and professionals granted licenses by the individual States. The Indiana Board of Licensure for Architects and Landscape Architects is served by these organizations in the licensing of both professions. State licensing rules and statutes are based upon this relationship and unilateral changing would cause undo hardships for those practicing architecture and landscape architecture in the State of Indiana. The State has greatly benefitted from this symbiotic relationship by greatly reduced administrative cost.²⁸

Landscape Architects bring more to the state's economy than the traditional 'curb appeal' that is typically associated with landscapes. As with architecture, landscape architecture is the leading edge of the construction industry. With projects ranging from community planning and design, to transportation planning, to park and recreation design, landscape architects plan much of the built environment.

Following are a few points relating specifically to economics tied to transportation issues, especially pedestrian/bicycle infrastructure:

Communities with walkable streets and sidewalks have higher real estate values. A recent study, *Walking the Walk: How Walkability Raises Home Values in U.S. Cities*, showed that houses with the above average levels of walkability command a premium of about \$4,000 - \$34,000 over houses with just average levels of walkability.

Bicycle and pedestrian projects are helping provide economic development to local economies as well as state-wide economies. For example, the state of New Jersey recently calculated that in total, active transportation-related infrastructure, businesses, and events were estimated to have contributed \$497.46 million to the New Jersey economy in 2011, which was nearly eight times the estimated \$63 million invested in infrastructure that year.

Active transportation projects create jobs: A study conducted by the Political Economy Research Institute found that for each \$1 million spent on bike lanes, approximately 14 jobs are created. Compare this to \$1 million spent on road repair work that generated about seven jobs.

Increasingly, small towns and rural communities need more bicycle and walking projects. Between 6.9 percent – 9.6 percent of all trips are made by biking and walking. A recent study, *Active Transportation Beyond Urban Centers: Walking*

²⁸ The information provided was distributed to the JCC by the American Institute of Architects (AIA).

and Biking in Small Towns and Rural America, demonstrates that rural communities increasingly want more walkable and bicycle-friendly communities to attract businesses and tourism and attract and retain much-needed workers.

The average salary for landscape architecture professionals is \$71,100 according to a 2010 national survey by the American Society of Landscape Architects (ASLA). The average salary for licensed landscape architects is \$77,700 – representing 73 percent of all respondents. The average salary of those without a license is \$52,700.²⁹

8. Assess the necessity, burden and alternatives to the licenses issued by the board.

Architects and landscape architects are regulated in all other states. The JCC did not find that Indiana’s licensing requirements and structure to be burdensome for licensees, but the Board should review the fee structure. The fee structure should not be a disincentive for possible entrants into the profession nor an unnecessary form of taxation required of those in the industry. Indiana’s licensing fees are about average when compared to other states for the architecture and landscape architecture industries.

Alternatives to the licensing structures currently in place were discussed, but the JCC does not see a more efficient avenue to administratively handle the workload to license architects and landscape architects in Indiana. The associations were not in favor of taking on current PLA duties.

9. List any other criteria identified by the JCC.

The Indiana Chapter of the American Society of Landscape Architects (INASLA) is a non-profit organization consisting of nearly 200 members. The INASLA Executive Committee is comprised solely of volunteers. Landscape architects are designers of outdoor and public spaces to achieve safe, environmental, socio-behavioral, and/or aesthetic outcomes. Landscape architects involve the systematic investigation of existing social, ecological, and geological conditions and processes in the landscape, and the design that will produce a desired outcome. The scope of the profession includes: urban planning and design; parks and recreational planning; environmental restoration; visual resource management; green infrastructure planning and provision; private residential design planning; all at varying scales of design, safety and management.³⁰

During the JCC meeting, it was noted that due to economic conditions, internship opportunities in the architecture and landscape architecture fields was limited.

²⁹ The information provided was distributed to the JCC by the Indiana Chapter of the American Society of Landscape Architects (INASLA).

³⁰ According to INASLA.

Jason Shelley with AIA acknowledged that the association was aware of the problem. He noted that (from the meeting minutes):

“Recessions hit this industry hard since construction slows when the economy is bad, so without new construction, fewer architects are needed. NCARB and AIA are very concerned about the age of current licensees in the profession, as approximately 50% of AIA members and NCARB subscribers will be retiring in the next ten years. There might be a nation-wide shortage of architects on the horizon.”

When asked by the JCC whether the internship requirement was possibly limiting the entrance of architects, AIA thought that it could be a restrictor, but the industry couldn't afford to lower licensure standards without jeopardizing public safety.

- 10. Include any recommendations for legislation, including whether: the regulation of a regulated occupation should be modified; the board should be combined with another board; or whether the board or the regulation of the regulated occupation should be terminated; whether a license should be eliminated; or whether multiple licenses should be consolidated into a single license. The report should also include any recommendations for administrative changes and information that supports the Committee's recommendations. This section does not apply to fees that support dedicated funds. After the Committee has reviewed and evaluated a regulated occupation and board, the Committee shall provide the agency and the board that is the subject of the Committee's evaluation with recommendations for fees that the board should charge for application fees, renewal fees, and fees to issue licenses. The recommendation for fees must comply with the requirements under IC 25-1-8-2. However, the recommendation must not exceed the lesser of either one hundred dollars (\$100) or the actual administrative cost to process the application or renew or issue the license.**

Pursuant to IC 25-1-16-8(a)(6), the JCC recommends that the fee required for a reciprocity license from an architect or landscape architect applicant that is not a member of the Council of Landscape Architectural Registration Boards (CLARB) or the National Council of Architectural Registration Boards (NCARB) be equal to the fee required for an applicant who is a member of CLARB or NCARB, which reduces the fee from \$500 to \$200.

State Board of Registration for Architects and Landscape Architects Costs

| Board Member Travel Reimbursements | 8-Jan-14 | 12-Mar-14 | 14-May-14 | 9-Jul-14 | 12-Nov-14 |
|---|-------------------|------------------|------------------|-----------------|------------------|
| Les Smith | \$48.40 | \$48.40 | \$48.40 | \$48.40 | \$48.40 |
| Debra Schmucker | \$18.48 | -- | \$18.48 | \$18.48 | \$18.48 |
| Dale Stickel | \$278.09 | \$291.09 | -- | \$291.09 | \$268.08 |
| Daniel Weinheimer | \$14.96 | \$14.96 | \$14.96 | \$14.96 | \$14.96 |
| Hal Kovart | \$251.69 | -- | \$98.56 | \$98.56 | \$98.56 |
| Dave Rausch | \$14.08 | \$14.08 | -- | \$14.08 | \$14.08 |
| Jerome Eide | -- | -- | \$274.57 | \$121.44 | -- |
| Richard Fetz | \$12.32 | -- | \$12.32 | -- | \$12.32 |
| Todd Scroggins (New Member) | -- | -- | -- | -- | -- |
| Monthly Totals | \$638.02 | \$368.53 | \$467.29 | \$607.01 | \$474.88 |
| Total Travel Costs | \$2,555.73 | | | | |

| Board Member Per Diem Payments | 8-Jan-14 | 12-Mar-14 | 14-May-14 | 9-Jul-14 | 12-Nov-14 |
|---------------------------------------|-------------------|------------------|------------------|-----------------|------------------|
| Les Smith | \$50.00 | \$50.00 | \$50.00 | \$50.00 | \$50.00 |
| Debra Schmucker | \$50.00 | -- | \$50.00 | \$50.00 | \$50.00 |
| Dale Stickel | \$50.00 | \$50.00 | -- | \$50.00 | \$50.00 |
| Daniel Weinheimer | \$50.00 | \$50.00 | \$50.00 | \$50.00 | \$50.00 |
| Hal Kovart | \$50.00 | -- | \$50.00 | -- | -- |
| Dave Rausch | \$50.00 | \$50.00 | -- | -- | -- |
| Jerome Eide | -- | -- | \$50.00 | -- | -- |
| Richard Fetz | \$50.00 | -- | \$50.00 | -- | -- |
| Todd Scroggins | -- | -- | -- | -- | -- |
| Monthly Totals | \$350.00 | \$200.00 | \$300.00 | \$200.00 | \$200.00 |
| Per Diem Total | \$1,250.00 | | | | |

As of 12/31/2014, only four members completed their per diem paperwork to be paid following 7/1/2014.

| Court Reporter Costs | 8-Jan-14 | 12-Mar-14 | 14-May-14 | 9-Jul-14 | 12-Nov-14 |
|----------------------------------|-----------------|------------------|------------------|-----------------|------------------|
| Circle City Court Reporters | \$90.00 | \$90.00 | \$90.00 | \$90.00 | -- |
| Total for Court Reporters | \$360.00 | | | | |

The July 2014 court reporter costs were paid from the Architect and Landscape Architect Investigative Fund. Future invoices are to be paid from this dedicated fund.

| Dues and Subscription Costs | FY 2014 | FY 2015 |
|------------------------------------|--------------------|--------------------|
| CLARB | \$5,485.00 | \$10,985.00 |
| NCARB | \$11,000.00 | \$11,000.00 |
| Total | \$16,485.00 | \$21,985.00 |

The Subscription costs are paid for using the Investigative Fund.

| | |
|--|--------------------|
| TOTAL Board Operations Costs for 2014 | \$20,650.73 |
|--|--------------------|

Note: Costs are not representative of attendance as some members choose not receive payment.

(C) Home Inspector Licensing Board

- 1. Identify the functions, powers, and duties of the regulated occupation and the board, including any functions, powers or duties that are inconsistent with current or projected practice of the occupation.**

Definition of the Practitioner

IC 25-20.2-1-1: Application of article; exclusions

Sec. 1. (a) This article applies to an individual who conducts home inspections for compensation.

(b) This article does not apply to the following:

(1) An individual who is acting within the scope of the individual's employment as:

(A) a code enforcement official for the state or a political subdivision of the state; or

(B) a representative of a state or local housing agency or authority acting under the authority of the United States Department of Housing and Urban Development.

(2) An individual who is:

(A) either:

(i) registered as an architect under IC 25-4;

(ii) registered as a professional engineer under IC 25-31; or

(iii) licensed as a plumbing contractor or journeyman plumber under IC 25-28.5; and (B) acting within the scope of the individual's registration or license.

(3) An individual who is licensed under IC 25-34.1 as a real estate broker and is acting within the scope of the individual's license.

(4) An individual who is licensed or certified under IC 25-34.1 as a real estate appraiser and is acting within the scope of the individual's license or certificate.

(5) An individual who holds a certificate of authority under IC 27-1-27-2 as a public adjuster and is acting within the scope of the individual's certificate.

(6) An individual who holds a permit, certificate, or license to:

(A) use and apply pesticides; or

(B) make diagnostic inspections and reports for wood destroying pests; under IC 15-16-5 and is acting within the scope of the individual's certificate or license.

(7) An individual who holds a license from a political subdivision as a tradesperson or home builder and is acting within the scope of the individual's license.

IC 25-20.2-2-6: "Home inspection"

Sec. 6. "Home inspection" means a visual analysis for the purpose of providing a professional opinion of the condition of a residential dwelling and the dwelling's carports or garages, any reasonably accessible installed components, and the operation of the dwelling's systems, including any controls normally operated by the owner of the dwelling, for the following components:

- (1) Heating systems.*
- (2) Cooling systems.*
- (3) Electrical systems.*
- (4) Plumbing systems.*
- (5) Structural components.*
- (6) Foundations.*
- (7) Roof coverings.*
- (8) Exterior and interior components.*
- (9) Attic spaces.*
- (10) Basement or crawl space, if any.*
- (11) Any other site aspects that affect the residential dwelling.*

The term does not include a code compliance inspection.

Establishment of the Board

In 2003, the State created the Home Inspector Licensing Board. The Board is comprised of seven members appointed by the Governor: four members are Indiana licensed home inspectors actively engaged in the practice for at least 5 years prior to appointment; one member is a home builder actively engaged in the practice for at least 5 years prior to appointment; one member is a licensed real estate broker actively engaged in the practice for at least 5 years prior to appointment; and one member serves as a consumer (IC 25-20.2-3-2).

Each member serves on three year terms and cannot serve more than six consecutive years (IC 25-20.2-3-3).

Role of the Board

The Board's primary functions are to review credentials for home inspector applicants, administer licenses to qualified individuals and implement administrative disciplinary actions against licensees who are not practicing according to the Board's statutes and rules.

The Board also investigates the unlicensed practices of individuals offering home inspection services in Indiana.

The IPLA leads in crafting legislation with input from the Home Inspector Licensing Board on related matters that work to benefit consumers and licensees in their industry.

Nothing was discovered that indicates the board or licensees are acting in a manner inconsistent with the current or projected practice of the occupation; however, recommendations are being made by the JCC to change the regulatory management structure of the profession. Please see the JCC's statement in No. 10 of this report for the recommendations and additional information.

2. Assess the structure and the management efficiency of the board and the Indiana Professional Licensing Agency.

The Home Inspector Licensing Board operates with one board director (BD), one assistant director (AD) and four customer service representatives (CSR). The starting salary for a CSR is \$22,724. The starting salary for an AD is \$33,748, and board directors start at \$41,574. Fringe benefits are in addition to these figures. The annual salary budget for all 6 employees is approximately \$166,218.

In factoring the costs to process licenses, it's important to recognize that the IPLA is an umbrella agency for 38 additional boards and commissions. The staffers working for the Home Inspector Licensing Board also serve other boards. Specifically, "Group 9" includes the Indiana Real Estate Commission, Manufactured Home Installer Licensing Board, Indiana Auctioneer Commission and Real Estate Appraiser Licensure & Certification Board. These boards and the composition of each group are assigned by the agency director.

The agency's executive staff also provides services to the entire agency and should be considered in this analysis. This includes the executive director, deputy director, chief legal counsel, staff attorney, communications director, legislative director, controller, controller staff, IT director and IT staff. The cost of administering and managing these licenses would be even higher when factoring in the attorney general's office, which includes their expenses of Advisory Counsel to the Board, prosecution and senior management from both advisory and litigation.

3. Assess the regulated occupation's and the board's ability to meet the objectives of the General Assembly in licensing the regulated occupation.

The IPLA and the Home Inspector Licensing Board have met the standards and statutes imposed by the General Assembly in providing adequate service to the home inspector profession and its licensees. Based on the information provided to the JCC, recommendations were submitted. The policy statement from the JCC is No. 10 regarding the operational structure of the agency and the Board. The JCC

is proposing changes, requiring further public discussion at a future meeting, in regards to how this profession is regulated.

4. Assess the fees that the board charges for licenses.

The IPLA has a General Fund appropriation that is not board specific and is used to support the agency's operations for all 38 of its licensing boards and commissions. Licensing fees are not dedicated to the profession. An assessment of the fees charged by the Board is as follows:

| | |
|--|--------------|
| Application for licensure as a home inspector | \$450 |
| Biennial home inspector license renewal fee | \$400 |
| Application for Pre-licensing course provider | \$500 |
| Biennial Pre-licensing course provider renewal fee | \$500 |
| Application for continuing education provider | \$500 |
| Biennial continuing education provider renewal fee | \$500 |
| Reinstatement of expired home inspector license (under 3 years) | \$450 |
| Reinstatement of expired home inspector license (over 3 years) | \$900 |
| Activation of retired license | \$400 |

This Board currently has the highest fees of any board overseen by the IPLA. Testimony delivered by Danny Maynard of the Indiana Chapter of the American Society of Home Inspectors (INASHI) stated that the fees were set at such a level to keep "hobbyists out of the marketplace." The agency and the board have since started the process of lowering the application fee to \$50. This is expected to go into effect before 2016.

5. List the number of individuals who are licensed in the regulated occupation.

Home Inspectors

- a.) 640 active licenses in Indiana
- b.) 23 retired licenses
- c.) 61 new licenses issued in 2012
- d.) 96 new licenses issued in 2013
- e.) 96 new licenses issued in 2014

6. Provide the budget and other fiscal factors for regulating the regulated occupation, including the actual cost of administering license applications, renewals and issuing licenses.

The IPLA has a General Fund appropriation that is not board specific. The General Fund appropriation is used to support the agency operations for 38 licensing boards and staff. Licensing fees, as outlined in No. 4 of this report, are not dedicated to the profession.

To review the staffing costs associated with administering licenses and renewals for the Home Inspector Licensing Board, please see No. 2. For the costs associated with having the Board and paying per diem, travel and court reporters for board meetings, please see the last page of this section after the recommendation from the JCC.

7. Provide an assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

Home inspections started in the mid-1970s and consumer demand for the service has been growing. Further, ASHI estimates that 77 percent of the homes sold in the United States and Canada today are inspected prior to purchase.³¹

Danny Maynard, Executive Director for the Indiana Chapter of the American Society for Home Inspectors, stated the benefits to licensing home inspectors as:

- 1) Known Standards of Practice
- 2) Established Code of Ethics
- 3) Uniform Reporting Writing Standards
- 4) Pre-Licensing Training (higher education attainment to practice)
- 5) Competency Testing
- 6) Registration and Approval of Pre-Licensing Educational Providers.
- 7) Continuing Education Requirements

It was also noted as a positive economic effect that there are relatively few complaints against home inspectors. According to the Attorney General's Office, there were 19 complaints filed against home inspectors in 2014. Of all the complaints received by the Attorney General's office since 2008, 54 percent have resulted in no violation found. Of the cases that move to litigation, an overwhelming majority result in either no sanction, reprimand by the board or a warning letter.

In May 2012, construction and building inspectors had a median annual wage of \$53,450. The lowest ten percent of salaries reported were \$32,050 or under, while

³¹ According to the American Society of Home Inspectors.

those in the highest ten percent made \$83,760 or more a year.³² In January 2014, that most home inspectors earned between \$25,223 and \$86,831 annually. The lowest mean pay range was \$27,730-\$46,860 and was found in states that included South Dakota, Maine, Indiana, Tennessee, Oklahoma and Idaho.³³

The JCC found that it is common for real estate professionals (brokers), who are licensed practitioners, to suggest – and consumers demand – home inspections prior to purchasing a home. Often times the real estate broker chooses the home inspection company or home inspector directly with limited input from the consumer. The consumer does have ample resources and information to choose another service provider if they so choose.

8. Assess the necessity, burden and alternatives to the licenses issued by the board.

The JCC is supportive of the current actions being taken by the Home Inspector Licensing Board and the IPLA to lower the application and renewal fees owed by home inspectors. Requiring practitioners to pay \$450 to be a home inspector each cycle amounts to, on average, almost a 1 percent annual income tax³⁴ on an individual's practice. The fee structure should not be a disincentive for possible entrants into the profession nor an unnecessary form of taxation required of those in the industry. The fees should fund state, administrative costs instead of serving as an obstacle for potential and current practitioners in the private sector.

Alternatives to the licensing structures currently in place for home inspectors were discussed, and the JCC will continue to seek public input on the preliminary recommendations for the Home Inspector Licensing Board pursuant to IC 25-1-16-14.

9. List any other criteria identified by the JCC.

None.

10. Include any recommendations for legislation, including whether: the regulation of a regulated occupation should be modified; the board should be combined with another board; or whether the board or the regulation of the regulated occupation should be terminated; whether a license should be eliminated; or whether multiple licenses should be consolidated into a single license. The report should also include any recommendations for administrative changes and information that supports the Committee's recommendations. This section does not apply to fees that support dedicated funds. After the Committee has reviewed and evaluated a regulated occupation

³² According to the U.S. Bureau of Labor Statistics (BLS), www.bls.gov.

³³ According to Pay Scale Human Capital – www.payscale.com.

³⁴ Based on data provided previously in the report from the U.S. Bureau of Labor Statistics (BLS), www.bls.gov.

and board, the Committee shall provide the agency and the board that is the subject of the Committee's evaluation with recommendations for fees that the board should charge for application fees, renewal fees, and fees to issue licenses. The recommendation for fees must comply with the requirements under IC 25-1-8-2. However, the recommendation must not exceed the lesser of either one hundred dollars (\$100) or the actual administrative cost to process the application or renew or issue the license.

The JCC recommends that Indiana maintain the Home Inspector Licensing Board and continue to regulate all license types under the Home Inspectors Licensing Board, which includes the following: licensed home inspector, CE provider – home inspector, pre-course for home inspectors and home inspector instructor.

The JCC also recommends reducing the required number of continuing education (CE) hours from 32 hours to 16 hours per renewal cycle.

Indiana Home Inspector Licensing Board Costs

| Board Member Travel Reimbursements | 11-Mar-14 | 15-Jul-14 | 2-Dec-14 |
|---|-------------------|------------------|-----------------|
| Mark Genung | \$7.92 | \$7.92 | \$7.92 |
| John Hatfield | \$188.32 | \$188.32 | \$359.45 |
| John Longenecker | \$149.96 | \$146.96 | \$146.96 |
| Phillip Thornberry | --- | --- | --- |
| Paul Shoopman | --- | --- | --- |
| Monthly Totals | \$346.20 | \$343.20 | \$514.33 |
| Total Travel Costs | \$1,203.73 | | |

| Board Member Per Diem Payments | 11-Mar-14 | 15-Jul-14 | 2-Dec-14 |
|---------------------------------------|------------------|------------------|-----------------|
| Mark Genung | \$50.00 | --- | \$50.00 |
| John Hatfield | \$50.00 | --- | --- |
| John Longenecker | \$50.00 | \$50.00 | \$50.00 |
| Phillip Thornberry | --- | --- | --- |
| Paul Shoopman | --- | --- | --- |
| Monthly Totals | \$150.00 | \$50.00 | \$100.00 |
| Per Diem Total | \$300.00 | | |

As of Dec. 2014, only two board members had completed the paper work necessary to receive per diem payments.

| Court Reporter Costs | 11-Mar-14 | 15-Jul-14 | 2-Dec-14 |
|----------------------------------|------------------|------------------|-----------------|
| Accurate Reporting of Indiana | \$150.00 | \$150.00 | --- |
| Total for Court Reporters | \$300.00 | | |

| | |
|--|-------------------|
| TOTAL Board Operations Costs for 2014 | \$1,803.73 |
|--|-------------------|

Note: Costs are not representative of attendance as some members choose not receive payment.

(D) State Board of Registration for Professional Engineers

- 1. Identify the functions, powers, and duties of the regulated occupation and the board, including any functions, powers or duties that are inconsistent with current or projected practice of the occupation.**

Definition of the Practitioner

IC 25-31-1-2: Definition of Engineering

Sec. 2. As used in this chapter:

(b) "Professional engineer" means an individual who, by reason of that individual's special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design which are acquired by education and practical experience, is qualified to engage in the practice of engineering as attested by that individual's registration as a professional engineer.

(c) "Engineering intern" means an individual who:

(1) is a graduate from an approved engineering curriculum of four (4) years or more or who has acquired, through engineering education and experience in engineering work, knowledge and skill approximating that obtained by graduation in an approved engineering curriculum of four (4) years or more;

(2) has successfully passed an examination as prescribed in section 14 of this chapter; and

(3) has been issued by the board an appropriate certificate of enrollment as an engineering intern.

(d) "Practice of engineering" means any service or creative work that the adequate performance of requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to services or creative work that includes the following:

(1) Consultation.

(2) Investigation.

(3) Evaluation.

(4) Planning, including planning the use of land and water.

(5) The design of or the supervision of the design of engineering works and systems.

(6) Engineering surveys and studies or the supervision of engineering surveys and studies, including all surveying activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but not including the surveying of real property for the establishment of land boundaries, subdivisions, rights-of-

way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

(7) Evaluation of construction for the purpose of assuring compliance with specifications, plans, and designs, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, work systems, or projects.

Establishment of the Board

In 1935, the State of Indiana required that engineers be licensed. It was a combined board charged with regulating both the practice of engineering and the practice of land surveying. In 1991, the State Board of Registration for Land Surveyors was established, and the State Board of Registration for Professional Engineers began hearing cases solely involving the engineering profession. The makeup of the Board is outlined in statute below:

IC 25-31-1-3: State board of registration for professional engineers

Sec. 3. (b) The board consists of seven (7) members, six (6) of whom shall be registered professional engineers.

(c) One (1) member must be appointed to represent the general public who is:

(1) a resident of this state; and

(2) not associated with professional engineering other than as a consumer.

(d) All members of the board shall be appointed by the Governor.

(e) Six (6) professional engineer members shall be appointed to the board and shall at the time of appointment consist of:

(1) one (1) member from industry;

(2) one (1) member from government;

(3) one (1) member from education;

(4) two (2) members from private practice; and

(5) one (1) member at large.

(f) A person appointed as a professional engineer member of the board must:

(1) be a citizen of the United States;

(2) have been a resident of this state for a period of at least five (5) years immediately before the time of the member's appointment;

(3) be registered as a professional engineer and must have been engaged in the lawful practice of engineering for at least twelve (12) years; and

(4) have been in responsible charge of engineering work or engineering teaching for at least five (5) years.

(g) Every member of the board shall be appointed for a term of four (4) years and shall serve until the member's successor is appointed and qualified.

Role of the Board

The Board's primary functions are to review credentials for professional engineer applicants, administer licenses to qualified individuals and implement administrative disciplinary actions against licensees who are not practicing according to the Board's statutes and rules.

The Board also investigates the unlicensed practices of individuals offering engineering services in Indiana.

The Professional Licensing Agency leads in crafting legislation with input from the State Board of Registration for Professional Engineers on related matters that work to benefit consumers and licensees in their industry.

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Nothing was discovered that indicates the Board or licensees are acting in a manner inconsistent with the current or projected practice of the occupation. Please see the JCC's statement in No. 10 of this report for the recommendations and additional information.

2. Assess the structure and the management efficiency of the board and the Indiana Professional Licensing Agency.

The State Board of Registration for Professional Engineers operates with one board director (BD), one assistant director (AD) and four customer service representatives (CSR). The starting salary for a CSR is \$22,724. The starting salary for an AD is \$33,748, and board directors start at \$41,574. Fringe benefits are in addition to these figures. The annual salary budget for all 6 employees is approximately \$166,218.

In factoring the costs to process licenses, it's important to recognize that the IPLA is an umbrella agency for 38 additional boards and commissions. The staffers working for the State Board of Registration for Professional Engineers also serve other boards. Specifically, "Group 10" includes the State Board of Registration for Professional Surveyors, State Board of Registration for Architects and Landscape Architects, Indiana Athletic Trainers Board and Private Investigator and Security Guard Licensing Board. These boards, and the composition of each group, are assigned by the agency director.

The agency's executive staff also provides services to the entire agency and should be considered in this analysis. This includes the executive director, deputy director, chief legal counsel, staff attorney, communications director, legislative

director, controller, controller staff, IT director and IT staff. The cost of administering and managing these licenses would be even higher when factoring in the attorney general's office, which includes their expenses of Advisory Counsel to the Board, prosecution and senior management from both advisory and litigation.

3. Assess the regulated occupation's and the board's ability to meet the objectives of the General Assembly in licensing the regulated occupation.

The IPLA and the State Board of Registration for Professional Engineers have met the standards and statutes imposed by the General Assembly in providing adequate service to the engineer profession and its licensees. Based on the information provided to the JCC, recommendations were submitted. The policy statement from the JCC is No. 10 regarding the operational structure of the agency and the Board.

4. Assess the fees that the board charges for licenses.

The IPLA has a General Fund appropriation that is not board specific and is used to support the agency's operations for all 38 of its licensing boards and commissions. Licensing fees are not dedicated to the profession. An assessment of the fees charged by the Board is as follows:

First-Time Indiana Professional Engineer Examination Applicants

- a.) The National Council of Examiners for Engineering and Surveying (NCEES) aids in the servicing of licenses.
 - i. NCEES develops, administers and scores the examinations used for engineering and surveying licensure. NCEES also promotes and facilitates professional mobility and uniformity of the licensure processes by supplying records, study materials, credential evaluations and exam administration.
 - ii. Annual NCEES membership dues \$6,500, which are paid by the IPLA.
- b.) Initial application candidates have an application fee payable to the Board. The application fee is \$300.00.

Comity applicants

- a.) Comity applicants are candidates who are or have been licensed as a professional engineer in another state, which may or may not be substantially equivalent.

b.) Comity application fee is \$500.00

Other associated fees

a.) Issuance fee

i. August 1 of odd year through July 31 of even year – \$50.00

ii. August 1 of even year through July 31 of odd year - \$100.00

b.) Renewal fee (3 years or less) = \$100.00

c.) Reinstatement fee (more than 3 years) = \$400.00

d.) Professional corporation application fee = \$25.00

IC 25-31-1-35 Investigative fund; administration by attorney general and licensing agency; appropriation

Sec. 35. (a) The registered professional engineers and registered engineering interns investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the attorney general and the licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of money from the fee imposed upon registered professional engineers and registered engineering interns under section 9(b) of this chapter.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested

Since the fund was created in 2005 by the General Assembly, the Board has never created rules to collect fees to use the fund. There is currently no money being collected or any money in the fund to be used.

5. List the number of individuals who are licensed in the regulated occupation.

Engineer Intern – a professional candidate learning the practice of professional engineer services in the State of Indiana

a.) 23,464 active licenses in Indiana

b.) 97 new licenses issued since August 1, 2014

Professional Engineers – required for anyone practicing professional engineer

services in the State of Indiana

- a.) 11,789 active licenses in Indiana
- b.) 325 new licenses issued since August 1, 2014

Engineer Professional Corporation – required by businesses that fall under the professional corporation description (IC 23-1.5-2 and IC 23-1.5-2-3(a)(2))

- a.) 139 active corporate licenses

The total number of active licenses with the State Board of Registration of Professional Engineers is **35,253**.

6. Provide the budget and other fiscal factors for regulating the regulated occupation, including the actual cost of administering license applications, renewals and issuing licenses.

The IPLA has a General Fund appropriation that is not board specific. The General Fund appropriation is used to support the agency operations for 38 licensing boards and staff. Licensing fees, as outlined in No. 4 of this report, are not dedicated to the profession.

To review the staffing costs associated with administering licenses and renewals for the State Board of Registration for Professional Engineers, please see No. 2. For the costs associated with having the Board and paying per diem, travel and court reporters for board meetings, please see the last page of this section after the recommendation from the JCC.

7. Provide an assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

Licensure is the mark of a professional and distinguishes practitioners (PE can be added after name) in the marketplace. Consumers and businesses know that in working with (licensed) professional engineers, there is a high quality associated with the work produced.

The economic impact can be measured in the costs of engineering failures and the reason for higher regulatory reform. The welfare of all Hoosiers working in metropolitan areas is at stake if the state's infrastructure, buildings, etc. are not properly constructed. Here's a timeline of major engineering failures:

- June 5, 1976 – Teton Dam Collapse
 - o 14 people died
 - o >1\$ billion cost
- July 17, 1981 – Hyatt Regency Bridge Collapse
 - o 114 people died
 - o >200 people injured

- April 28, 1986 – Cherobyl Nuclear Power Plant Accident
 - o >20 people killed
 - o .5 million people injured
- August 1, 2007 – Minneapolis I-35W Bridge Collapse
 - o 13 people killed
 - o 145 people injured

These accidents occurred with the engineering field being regulated, but the volume of accidents could have been higher without the current structure in place. Some of the economic impact is preventing disasters from happening in the first place.

Revenue generated for the State from licensing fees is between approximately \$350k and \$400k.

Currently, only a licensed engineer may prepare, sign and seal, and submit engineering plans and drawings to a public authority for approval, or seal engineering work for public and private clients. For those considering a career in education, many states have been increasingly requiring that those individuals teaching engineering to be licensed.

With the growing complexity and the increasing diversity of modern construction processes and techniques, the engineer in construction must readily be able to communicate and exchange ideas and views with other licensed design engineers. For those pursuing careers in industry, licensure has recently taken on increased meaning with heightened public attention concerning product safety, environmental issues, and design defects. Employers have found it advantageous to identify to the courts and the public those employees who have met at least a minimum level of competence.³⁵

8. Assess the necessity, burden and alternatives to the licenses issued by the board.

Alternatives to the licensing structures currently in place for professional engineers were discussed, and the JCC will continue to seek public input on the preliminary recommendations for the State Board of Registration for Professional Engineers pursuant to IC 25-1-16-14.

The JCC didn't find the fees being charged by the Board to be a critical barrier to entry, but the costs could be lowered to be less of financial strain on practitioners.

9. List any other criteria identified by the JCC.

³⁵ Information accumulated for this section was from the report given by the Indiana Society of Professional Engineers (ISPE).

None.

- 10. Include any recommendations for legislation, including whether: the regulation of a regulated occupation should be modified; the board should be combined with another board; or whether the board or the regulation of the regulated occupation should be terminated; whether a license should be eliminated; or whether multiple licenses should be consolidated into a single license. The report should also include any recommendations for administrative changes and information that supports the Committee's recommendations. This section does not apply to fees that support dedicated funds. After the Committee has reviewed and evaluated a regulated occupation and board, the Committee shall provide the agency and the board that is the subject of the Committee's evaluation with recommendations for fees that the board should charge for application fees, renewal fees, and fees to issue licenses. The recommendation for fees must comply with the requirements under IC 25-1-8-2. However, the recommendation must not exceed the lesser of either one hundred dollars (\$100) or the actual administrative cost to process the application or renew or issue the license.**

The JCC recommends that Indiana maintain the State Board of Registration for Professional Engineers and continue to regulate all license types under the State Board of Registration for Professional Engineers, which includes professional engineers, engineer interns and engineering professional corporations.

State Board of Registration for Professional Engineers

| Board Member Travel Reimbursements | 16-Jan-14 | 20-Mar-14 | 13-May-14 | 17-Jul-14 | 18-Sep-14 | 20-Nov-14 |
|---|------------------|------------------|------------------|------------------|------------------|------------------|
| Mark Downey | \$13.20 | \$13.20 | -- | -- | -- | -- |
| Vincent Drnevich | \$59.84 | \$59.84 | \$59.84 | \$59.84 | -- | \$59.84 |
| Harold Snead | \$194.37 | -- | \$194.37 | \$194.37 | \$214.37 | \$194.37 |
| Kenneth Spaulding | \$279.53 | \$303.53 | \$279.53 | -- | -- | -- |
| John Sauer | -- | -- | -- | -- | -- | -- |
| Stephen Gillman | -- | -- | -- | -- | -- | -- |
| Opal Kuhl | -- | -- | -- | -- | -- | \$56.32 |
| Monthly Totals | \$546.94 | \$376.57 | \$533.74 | \$254.21 | \$214.37 | \$310.53 |

| | |
|---------------------------|-------------------|
| Total Travel Costs | \$2,236.36 |
|---------------------------|-------------------|

| Board Member Per Diem Payments | 16-Jan-14 | 20-Mar-14 | 13-May-14 | 17-Jul-14 | 18-Sep-14 | 20-Nov-14 |
|---------------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Mark Downey | \$50.00 | \$50.00 | -- | -- | -- | -- |
| Vincent Drnevich | \$50.00 | \$50.00 | -- | -- | -- | -- |
| Harold Snead | \$50.00 | -- | \$50.00 | \$50.00 | \$50.00 | \$50.00 |
| Kenneth Spaulding | \$50.00 | \$50.00 | -- | -- | -- | -- |
| John Sauer | -- | -- | -- | -- | -- | -- |
| Stephen Gillman | -- | -- | -- | -- | -- | -- |
| Opal Kuhl | -- | -- | -- | -- | -- | -- |
| Monthly Totals | \$200.00 | \$150.00 | \$50.00 | \$50.00 | \$50.00 | \$50.00 |

| | |
|-----------------------|-----------------|
| Per Diem Total | \$550.00 |
|-----------------------|-----------------|

As of December 2014, only 1 member had completed the paper work to receive per diem payments.

| Court Reporter Costs | 16-Jan-14 | 20-Mar-14 | 13-May-14 | 17-Jul-14 | 18-Sep-14 | 20-Nov-14 |
|-----------------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Circle City Court Reporters | \$90.00 | \$270.00 | \$90.00 | \$90.00 | \$135.00 | -- |

| | |
|----------------------------------|-----------------|
| Total for Court Reporters | \$675.00 |
|----------------------------------|-----------------|

| Dues and Subscription Costs | FY 2014 | FY 2015 |
|------------------------------------|-------------------|-------------------|
| NCEES | \$6,500.00 | \$6,500.00 |
| Total | \$6,500.00 | \$6,500.00 |

The Subscription costs are paid for using General Fund appropriations.

| | |
|--|-------------------|
| TOTAL Board Operations Costs for 2014 | \$9,961.36 |
|--|-------------------|

Note: Costs are not representative of attendance as some members choose not receive payment.

(E) State Board of Registration for Professional Surveyors

- 1. Identify the functions, powers, and duties of the regulated occupation and the board, including any functions, powers or duties that are inconsistent with current or projected practice of the occupation.**

Definition of the Practitioner

IC 25-21.5-1-7: “Practice of Surveying”

Sec. 7. (a) "Practice of surveying" means providing, or offering to provide, professional services involving:

- (1) the making of geometric measurements of, and gathering related information pertaining to, the physical or legal features of the earth, improvements on the earth, the space above the earth, or any part of the earth; and*
- (2) the use and development of the measurements and information gathered under subdivision (1) into survey products, including graphics, digital data, maps, plats, plans, reports, and descriptions and projects.*

(b) Professional services provided under the practice of surveying include consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting gathered measurements and information related to any of the following:

- (1) Determining the configuration or contour of the earth's surface or the position of fixed objects thereon by measuring lines and angles and applying the principles of mathematics or photogrammetry.*
- (2) Determining the size and shape of the earth, or any point on the earth, by performing geodetic surveys using angular and linear measurements through spatially oriented spherical geometry.*
- (3) Determining, by the use of principles of surveying, the position for any nonboundary related survey control monument or reference point, or setting, resetting, or replacing any nonboundary related monument or reference point.*
- (4) Locating, relocating, establishing, reestablishing, laying out, retracing, or marking any property or boundary line or corner of any tract of land or of any right-of-way or easement.*
- (5) Making any survey or preparing any plat for the subdivision of any tract of land.*
- (6) Determining, by the use of principles of surveying, the position for any boundary related survey monument or reference point, or setting, resetting, or replacing any monument or reference point.*
- (7) Preparing a description for any parcel or boundary of land, or for any right-of-way or easement, except when prepared by an attorney who is licensed to practice law in Indiana.*

(8) Determining the amount of acreage contained in any parcel of land, except when determined by an attorney who is licensed to practice law in Indiana.

(9) Performing construction staking or layout of the control for any elements of an engineering, building, or construction project, if the position of an element is:

(A) dependent on;

(B) in specific relation to; or

(C) in close proximity to; a boundary, property line, or corner, including easements and rights-of-way.

(10) For and within subdivisions being designed by a professional surveyor, the preparation and furnishing of plats, plans, and profiles for roads, storm drainage, sanitary sewer extensions, and the location of residences or dwellings where the work involves the use and application of standards prescribed by local, state, or federal authorities.

(11) All work incidental to cleaning out, reconstructing, or maintaining existing open and tile drains.

(12) Creating, preparing, or modifying electronic or computerized data relative to the performance of the activities described in this subsection.(c) Activities included within the practice of surveying that must be accomplished under the responsible charge of a professional surveyor, unless specifically exempted under subsection (d), include the following:

(1) The creation of maps and geo-referenced data bases representing authoritative locations for boundaries, fixed works, or topography, either by terrestrial surveying methods or by photogrammetric or GNSS locations. This includes maps and geo-referenced data bases prepared by any person, firm, or government agency if that data is provided to the public as a survey product.

(2) Original data acquisition, or the resolution of conflicts between multiple data sources, when used for the authoritative location of features within the following data themes:

(A) Geodetic control.

(B) Orthoimagery.

(C) Elevation and bathymetry.

(D) Fixed works.

(E) Government boundaries.

(F) Cadastral information.

(3) Certification of positional accuracy of maps or measured survey data.

(4) Measurement, adjustment, and authoritative interpretation of raw survey data.

(5) GIS-based parcel or cadastral mapping used for authoritative boundary definition purposes wherein land title or development rights for individual parcels are, or may be, affected.

(6) Interpretation of maps, deeds, or other land title documents to resolve conflicting data elements within cadastral documents of record.

(7) Acquisition of field data required to authoritatively position fixed works or cadastral data to geodetic control.

(8) Adjustment or transformation of cadastral data to improve the positional accuracy of the parcel layer or layers with respect to the geodetic control layer within a GIS for purposes of affirming positional accuracy.

(d) A distinction is made in this subsection, in the use of electronic systems, between making or documenting original measurements in the creation of survey products and the copying, interpretation, or representation of those measurements in systems. Further, a distinction is made according to the intent, use, or purpose of measurement products in electronic systems, between the determination of authoritative locations and the use of those products as a locational reference for planning, infrastructure management, and general information. The following items are not included as activities within the definition of the practice of surveying:

(1) The creation of general maps:

(A) prepared by private firms or government agencies for use as guides to motorists, boaters, aviators, or pedestrians;

(B) prepared for publication in a gazetteer or atlas as an educational tool or reference publication;

(C) prepared for or by educational institutions for use in the curriculum of any course of study;

(D) produced by any electronic or print media firm as an illustrative guide to the geographic location of any event; or

(E) prepared by lay persons for conversational or illustrative purposes, including advertising material and users' guides.

(2) The transcription of previously geo-referenced data into a geographic information system by manual or electronic means, and the maintenance thereof, if the data are clearly not intended to indicate the authoritative location of property boundaries, the precise definition of the shape or contour of the earth, and the precise location of fixed works of humans.

(3) The transcription of public record data, without modification except for graphical purposes, into geographic information systems-based cadastral, including tax maps, zoning maps, and associated records by manual or electronic means, and the maintenance of that cadastral, if the data are clearly not intended to authoritatively represent property boundaries.

(4) The preparation of any document by any agency of the federal government that does not define real property boundaries, including civilian and military versions of quadrangle topographic maps, military maps, satellite imagery, and other similar documents.

(5) The incorporation or use of documents or data bases prepared by any federal agency into a geographic information system, including federal census and demographic data, quadrangle topographic maps, and military maps.

(6) Inventory maps and data bases created by any organization, in either hard copy or electronic form, of physical features, facilities, or infrastructure that are wholly contained within properties to which the organization has rights or for which the organization has management responsibility. The distribution of these maps and data bases outside the organization must contain appropriate metadata describing, at a minimum, the accuracy, method of compilation, data source or sources, and date or dates, and disclaimers of use clearly indicating that the data are not intended to be used as a survey product.

(7) Maps, cross-sections, graphics, and data bases depicting the distribution of natural resources or phenomena prepared by foresters, geologists, soil scientists, geophysicists, biologists, archeologists, historians, or other persons qualified to document and interpret the data in the context of their respective practices.

(8) Maps and geo-referenced data bases depicting physical features and events prepared by any government agency if the access to that data is restricted by statute, including geo-referenced data generated by law enforcement agencies involving crime statistics and criminal activities.

(9) Classified parcels developed in accordance with IC 6-1.1-6-9(c).

(e) The use of photogrammetric methods or similar remote sensing technology to perform any part of the practice of surveying as defined in this section may be performed only under the direct control and supervision of a professional surveyor or professional photogrammetrists who maintain a current title of "Certified Photogrammetrist" from a national scientific organization having a process for certifying photogrammetrists.

(f) The practice of surveying encompasses a number of disciplines, including geodetic surveying, hydrographic surveying, cadastral surveying, construction staking, route surveying, photogrammetric surveying, and topographic surveying. A professional surveyor may practice only within the surveyor's area of expertise.

Establishment of the Board

Professional surveyors have been regulated and licensed in Indiana since the 1935; the same year the State of Indiana required that engineers be licensed. It was a combined board charged with regulating both the practice of engineering and the practice of land surveying. In the 1960's, the highly specialized nature of boundary surveying as separate and distinct from engineering was acknowledged and surveying licensure was completely separated from the practice of engineering at that time.

In 1991, the combined board split, establishing the State Board of Registration for Land Surveyors and the State Board of Registration for Professional Engineers.

The makeup of the board is outlined in statute below:

IC 25-21.5-2-2: State board of registration for professional surveyor, membership

Sec. 2. (a) The board consists of seven (7) members appointed by the Governor.

(b) One (1) member must be appointed to represent the general public who is:

(1) a resident of Indiana; and

(2) not associated with surveying other than as a consumer.

(c) Six (6) members must be registered professional surveyors who engage in the practice of surveying and who each meet the following conditions:

(1) Is a citizen of the United States.

(2) Has been a resident of Indiana for at least five (5) years immediately before the member's appointment.

(3) Is registered in Indiana as a professional surveyor.

(4) Has been engaged in the lawful practice of surveying for at least eight (8) years.

(5) Has been in charge of surveying work or surveying teaching for at least five (5) years.

(d) Of the registered professional surveyors appointed under subsection (c), three (3) must be engaged in the practice of surveying on a full-time basis, and at least two (2) must be engaged in the practice of surveying on a part-time basis.

Role of the Board

The Board's primary functions are to review credentials for professional surveyor applicants, administer licenses to qualified individuals and implement administrative disciplinary actions against licensees who are not practicing according to the Board's statutes and rules.

The Board also investigates the unlicensed practices of individuals offering land surveying services in Indiana.

The Professional Licensing Agency leads in crafting legislation with input from the State Board of Registration for Professional Surveyors on related matters that work to benefit consumers and licensees in their industry.

Nothing was discovered that indicates the board or licensees are acting in a manner inconsistent with the current or projected practice of the occupation. Please see the JCC's statement in No. 10 of this report for the recommendations and additional information.

2. Assess the structure and the management efficiency of the board and the Indiana Professional Licensing Agency.

The State Board of Registration for Professional Surveyors operates with one board director (BD), one assistant director (AD) and four customer service representatives (CSR). The starting salary for a CSR is \$22,724. The starting salary for an AD is \$33,748, and board directors start at \$41,574. Fringe benefits are in addition to these figures. The annual salary budget for all 6 employees is approximately \$166,218.

In factoring the costs to process licenses, it's important to recognize that the IPLA is an umbrella agency for 38 additional boards and commissions. The staffers working for the State Board of Registration for Professional Surveyors also serve other boards. Specifically, "Group 10" includes the State Board of Registration for Professional Engineers, State Board of Registration for Architects and Landscape Architects, Indiana Athletic Trainers Board and Private Investigator and Security Guard Licensing Board. These boards, and the composition of each group, are assigned by the agency director.

The agency's executive staff also provides services to the entire agency and should be considered in this analysis. This includes the executive director, deputy director, chief legal counsel, staff attorney, communications director, legislative director, controller, controller staff, IT director and IT staff. The cost of administering and managing these licenses would be even higher when factoring in the attorney general's office, which includes their expenses of Advisory Counsel to the Board, prosecution and senior management from both advisory and litigation.

3. Assess the regulated occupation's and the board's ability to meet the objectives of the General Assembly in licensing the regulated occupation.

The IPLA and the State Board of Registration for Professional Surveyors have met the standards and statutes imposed by the General Assembly in providing adequate service to the land surveying profession and its licensees. Based on the information provided to the JCC, recommendations were submitted. The policy statement from the JCC is No. 10 regarding the operational structure of the agency and the board.

4. Assess the fees that the board charges for licenses.

The IPLA has a General Fund appropriation that is not board specific and is used to support the agency's operations for all 38 of its licensing boards and commissions. Licensing fees are not dedicated to the profession. An assessment of the fees charged by the Board is as follows:

First-Time Indiana Professional Surveyor Examination Applicants

The National Council of Examiners for Engineering and Surveying (NCEES) aids in the servicing of licenses. NCEES develops, administers and scores the examinations used for engineering and surveying licensure. NCEES also promotes and facilitates professional mobility and uniformity of the licensure processes by supplying records, study materials, credential evaluations and exam administration.

Annual NCEES membership dues are \$6,500. The initial application candidates have an application fee payable to the Board. The application fee is \$300.00.

Comity applicants

- a.) Comity applicants are candidates who are or have been licensed as a professional engineer in another state, which may or may not be substantially equivalent.
- b.) Comity application fee is \$500.00.

Other associated fees

- a.) Issuance fees for August 1 of odd year through July 31 of even year are \$50.00, while August 1 of even year through July 31 of odd year - \$100.00
- b.) Renewal fee (3 years or less) = \$100.00
- c.) Reinstatement fee (more than 3 years) = \$400.00
- d.) Professional corporation application fee = \$25.00

IC 25-21.5-11-4 Investigative fund; administration by attorney general and licensing agency; appropriation

Sec. 4. (a) The professional surveyor and surveyor intern investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the attorney general and the licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of money from a fee imposed upon professional surveyors and surveyor interns under IC 25-21.5-3-4(b).

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. If the total amount in the fund exceeds five hundred thousand dollars (\$500,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds five hundred thousand dollars (\$500,000) reverts to the state general fund.

(e) Money in the fund is continually appropriated for use by the attorney general and the licensing agency to administer and enforce the provisions of this article and to conduct investigations and take enforcement action against persons violating the provision of this article.

—
This fund has never been created or utilized and has a balance of \$0.

5. List the number of individuals who are licensed in the regulated occupation.

Land Surveyor-in-Training – a professional candidate learning the practice of professional surveyor services in the State of Indiana

- a.) 408 active licenses in Indiana
- b.) 4 new licenses issued since January 1, 2014

Professional Surveyor – required for anyone practicing professional surveyor services in the State of Indiana

- a.) 838 active licenses in Indiana
- b.) 10 new licenses issued since January 1, 2014

Engineer Professional Corporation – required by businesses that fall under the professional corporation description (IC 23-1.5-2 and IC 23-1.5-2-3(a)(2))

- a.) 115 active corporate licenses

The total number of active licenses with the State Board of Registration for Professional Surveyors is **1361**.

6. Provide the budget and other fiscal factors for regulating the regulated occupation, including the actual cost of administering license applications, renewals and issuing licenses.

The IPLA has a General Fund appropriation that is not board specific. The General Fund appropriation is used to support the agency operations for 38 licensing boards and staff. Licensing fees, as outlined in No. 4 of this report, are not dedicated to the profession.

To review the staffing costs associated with administering licenses and renewals for the State Board of Registration for Professional Surveyors, please see No. 2. For the costs associated with having the Board and paying per diem, travel and court reporters for board meetings, please see the last page of this section after the recommendation from the JCC.

7. Provide an assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

“Numbers are difficult to assimilate for several reasons:

- 1) some aspects of surveying may also be practiced by professional engineers,
- 2) many surveying firms also employ engineers, and
- 3) many engineering firms employ surveyors only in support of their engineering projects.

But, ISPLS estimates that there are perhaps 2,000 persons directly employed as or by professional surveyors in the State of Indiana.

The average salary of a Professional Surveyor varies widely depending on a number of factors:

- 1) the size of firm they work for,
- 2) the type of work they perform, and
- 3) where their businesses are located.

Notwithstanding that, salaries likely range from perhaps an annual salary of \$50,000 for the practitioner with a very small business or a junior Professional Surveyor, to perhaps \$100,000 for a very senior staff surveyor or survey manager in a large firm. The pay of survey technicians likewise varies for the same reasons, with annual incomes likely ranging from around \$25,000 for an entry-level office technician to over \$60,000 for a senior, experienced field technician.

Licensure - or the lack thereof - does not have a direct impact on the amount of economic activity since the ‘drivers’ of economic activity that generate surveying work are not in the control of surveyors. Private developers, lenders, governmental entities and property owners are the initiators of activities that will

require the services of professional surveyors; surveyors generally do not generate their own work, they are hired by others.

The small numbers of persons involved in surveying activities cited above are deceiving since every single public and private infrastructure project necessarily involves surveyors at the very beginning, often throughout the project, and typically at the end for as-built documentation purposes. In addition, conveyances of commercial property or property being purchased or financed for development nearly always involve a specialized type of boundary survey (the nationally-recognized 'ALTA/ACSM Land Title Survey') that lenders and title companies rely on to assess the risks involved in lending and insuring projects.

Surveying licensure is important because it supports economic development in Indiana in many ways. Development, infrastructure and land conveyancing may be the most important economically because they are directly tied to a tremendous amount of related economic activity.

Contracts for surveying on infrastructure projects of any significant size require that the work be performed by licensed surveyors. Such contracts virtually always require that the survey provider carry professional liability insurance, which is generally not available unless the provider is a licensed surveyor. Similarly, lenders across the United States typically require that a Land Title Survey be performed as a condition of the mortgage on commercial or industrial property. Lenders universally require that such surveys be performed by licensed surveyors.

Taking the above facts into account means that very significant economic activity related to development, infrastructure and property would grind to a halt in fairly short order without surveying licensure to assure lending institutions, title companies and clients that the work is being done by qualified, competent persons. It is not an exaggeration to say that if money and title insurance are not available, these activities will simply cease. Because these activities almost always reach across state lines in one manner or other, certification is not a substitute for licensure for the sophisticated clients involved in these sorts of activities.

Aside from those obvious issues, the entire land tenure system in Indiana (and every other state, for that matter) hinges on the professional surveyor. It is widely recognized that private property ownership is a cornerstone of a democratic society. Providing for the integrity of those property boundaries is a necessity and the surveyor is the only person educated, experienced and qualified to provide for that veracity. This is the primary reason that surveyors are licensed in all 50 states and have been for many decades.

Many, if not most clients require professional liability insurance on their projects - which will be available only to out-of-state licensed surveyors. If Indiana

deregulated the profession, out-of-state surveyors will be the only ones who will be able to secure contracts on federal highway projects, U.S. Corps of Engineers projects, utility projects that cross state lines and the many other projects that require a licensed professional. Ultimately, Hoosier surveyors will find themselves out of a job because, without licensure, they will not be able to meet the requirements of most such clients.

Furthermore, deregulating the professional will prevent Hoosier surveyors from obtaining licensure by comity in any other state. Many Indiana surveyors are licensed and perform work in adjoining states. In addition, young and up-coming Indiana surveyors will never be able to gain the required experience under a licensed professional to qualify for licensure in another state, so they will simply not remain in Indiana. At least three surveying programs at Indiana colleges and universities would cease to exist.

In short, the deregulation of the surveying profession would, ironically, not equal more jobs for Hoosiers; it would actually destroy jobs in Indiana.”³⁶

8. Assess the necessity, burden and alternatives to the licenses issued by the board.

Please see No. 10 for more information.

9. List any other criteria identified by the JCC.

None.

10. Include any recommendations for legislation, including whether: the regulation of a regulated occupation should be modified; the board should be combined with another board; or whether the board or the regulation of the regulated occupation should be terminated; whether a license should be eliminated; or whether multiple licenses should be consolidated into a single license. The report should also include any recommendations for administrative changes and information that supports the Committee's recommendations. This section does not apply to fees that support dedicated funds. After the Committee has reviewed and evaluated a regulated occupation and board, the Committee shall provide the agency and the board that is the subject of the Committee's evaluation with recommendations for fees that the board should charge for application fees, renewal fees, and fees to issue licenses. The recommendation for fees must comply with the requirements under IC 25-1-8-2. However, the recommendation must not exceed the lesser of either one hundred dollars (\$100) or the actual administrative cost to process the application or renew or issue the license.

³⁶ Information accumulated in this section is from the report given by the Indiana Society of Professional Land Surveyors (INSPLS).

The JCC recommends that Indiana maintain the State Board of Registration for Professional Surveyors and continue to regulate the following license types: professional surveyor, surveyor intern, CE provider – land surveyor, and surveyor firm.

State Board of Registration for Professional Surveyors

| Board Member Travel Reimbursements | 24-Jan-14 | 4-Apr-14 | 25-Jul-14 | 3-Oct-14 |
|---|------------------|-----------------|------------------|-----------------|
| Christine Arnold | \$9.68 | \$18.48 | -- | \$9.68 |
| Richard Hudson | \$144.46 | \$144.46 | -- | \$124.96 |
| Doug Lechner | -- | -- | -- | -- |
| John Stephens | -- | -- | \$74.80 | -- |
| Michael Deboy | \$26.40 | -- | -- | \$26.40 |
| Ross Holloway | -- | \$17.60 | \$17.60 | -- |
| Gary Kent | -- | -- | -- | -- |
| Monthly Totals | \$180.54 | \$180.54 | \$92.40 | \$161.04 |

| | |
|---------------------------|-----------------|
| Total Travel Costs | \$614.52 |
|---------------------------|-----------------|

| Board Member Per Diem Payments | 24-Jan-14 | 4-Apr-14 | 25-Jul-14 | 3-Oct-14 |
|---------------------------------------|------------------|-----------------|------------------|-----------------|
| Christine Arnold | \$50.00 | \$50.00 | -- | \$50.00 |
| Richard Hudson | \$50.00 | \$50.00 | -- | \$50.00 |
| Doug Lechner | -- | -- | -- | -- |
| John Stephens | -- | -- | -- | -- |
| Michael Deboy | \$50.00 | | \$50.00 | \$50.00 |
| Ross Holloway | -- | \$50.00 | \$50.00 | -- |
| Gary Kent | -- | -- | -- | -- |
| Monthly Totals | \$150.00 | \$150.00 | \$100.00 | \$150.00 |

| | |
|-----------------------|-----------------|
| Per Diem Total | \$550.00 |
|-----------------------|-----------------|

As of December 2014 only 3 board members had completed the paper work to receive per diem payments.

| Court Reporter Costs | 24-Jan-14 | 4-Apr-14 | 25-Jul-14 | 3-Oct-14 |
|-----------------------------|------------------|-----------------|------------------|-----------------|
| Circle City Court Reporters | \$360.00 | \$270.00 | \$135.00 | \$378.00 |

| | |
|----------------------------------|-------------------|
| Total for Court Reporters | \$1,143.00 |
|----------------------------------|-------------------|

| Dues and Subscription Costs | FY 2014 | FY 2015 |
|------------------------------------|-------------------|-------------------|
| NCEES | \$6,500.00 | \$6,500.00 |
| Total | \$6,500.00 | \$6,500.00 |

The Subscription costs are paid for using General Fund appropriations.

| | |
|--|-------------------|
| TOTAL Board Operations Costs for 2014 | \$8,807.52 |
|--|-------------------|

Note: Costs are not representative of attendance as some members choose not receive payment.

(F) Manufactured Home Installer Licensing Board

- 1. Identify the functions, powers, and duties of the regulated occupation and the board, including any functions, powers or duties that are inconsistent with current or projected practice of the occupation.**

Definition of the Practitioner

IC 25-23.7-2-4: "Installer"

Sec. 4. "Installer" means an individual who contracts to install or installs a manufactured home.

IC 25-23.7-2-7: "Manufactured home"

Sec. 7. "Manufactured home" means a:

- (1) dwelling meeting the definition set forth in IC 22-12-1-16; or*
- (2) mobile home being installed in a mobile home community.*

Establishment of the Board

The Board was established in accordance with IC 25-23.7 in 2002.

IC 25-23.7-3-2: Members

Sec. 2. (a) The board consists of nine (9) members appointed by the Governor as follows:

- (1) Four (4) members who are installers, each of whom:*
 - (A) is licensed in Indiana as an installer; and*
 - (B) has been actively engaged in the installation of manufactured homes for at least five (5) years immediately before the member's appointment to the board.*
- (2) One (1) member who represents manufactured home manufacturers with production facilities in Indiana.*
- (3) One (1) member who represents manufactured home dealers.*
- (4) One (1) member who is an operator or who is employed by an operator of a mobile home community licensed under IC 16-41-27.*
- (5) One (1) member who is an owner of or who is employed by a primary inspection agency, a designation issued under 24 CFR3282 by the United States Department of Housing and Urban Development.*
- (6) One (1) member who represents the general public and who is not associated with the manufactured home industry other than as a consumer.*

(b) The members of the board must be residents of Indiana.

Role of the Board

The Board's primary functions are to review credentials for manufactured home installer applicants, administer licenses to qualified individuals and implement administrative disciplinary actions against licensees who are not practicing according to the Board's statutes and rules.

The Board also investigates the unlicensed practices of individuals offering manufactured home installation services in Indiana.

The Professional Licensing Agency leads in crafting legislation with input from the Manufactured Home Installer Licensing Board on related matters that work to benefit consumers and licensees in their industry.

Nothing was discovered that indicates the board or licensees are acting in a manner inconsistent with the current or projected practice of the occupation. Please see the JCC's statement in No. 10 of this report for the recommendations and additional information.

2. Assess the structure and the management efficiency of the board and the Indiana Professional Licensing Agency.

The Manufactured Home Installer Licensing Board operates with one board director (BD), one assistant director (AD) and four customer service representatives (CSR). The starting salary for a CSR is \$22,724. The starting salary for an AD is \$33,748, and board directors start at \$41,574. Fringe benefits are in addition to these figures. The annual salary budget for all 6 employees is approximately \$166,218.

In factoring the costs to process licenses, it's important to recognize that the IPLA is an umbrella agency for 38 additional boards and commissions. The staffers working for the Manufactured Home Installer Licensing Board also serve other boards. Specifically, "Group 9" includes the Indiana Real Estate Commission, Indiana Real Estate Appraiser Board, Home Inspector Licensing Board, and the Indiana Auctioneer Commission. These boards, and the composition of each group, are assigned by the agency director.

The agency's executive staff also provides services to the entire agency and should be considered in this analysis. This includes the executive director, deputy director, chief legal counsel, staff attorney, communications director, legislative director, controller, controller staff, IT director and IT staff. The cost of administering and managing these licenses would be even higher when factoring in the attorney general's office, which includes their expenses of Advisory Counsel to the Board, prosecution and senior management from both advisory and litigation.

3. Assess the regulated occupation's and the board's ability to meet the objectives of the General Assembly in licensing the regulated occupation.

The IPLA and the Manufactured Home Installer Licensing Board have met the standards and statutes imposed by the General Assembly in providing adequate service to the manufactured home installer profession and its licensees. Based on the information provided to the JCC, recommendations were submitted. The policy statement from the JCC is No. 10 regarding the operational structure of the agency and the Board.

4. Assess the fees that the board charges for licenses.

The IPLA has a General Fund appropriation that is not board specific and is used to support the agency's operations for all 38 of its licensing boards and commissions. Licensing fees are not dedicated to the profession. An assessment of the fees charged by the Board is as follows:

| | |
|--|-------|
| Application Fee | \$150 |
| Quadrennial Renewal Fee | \$50 |
| Reinstatement of expired license (under 3 years) | \$100 |
| Reinstatement of expired license (over 3 years) | \$200 |

5. List the number of individuals who are licensed in the regulated occupation.

Manufactured Home Installer – An individual may not install a manufactured home without first obtaining from the board a license authorizing the individual to install a manufactured home. A political subdivision may not require a licensee to submit to any other form of licensing except for that required by a political subdivision for onsite electrical, plumbing or mechanical systems installation. However, this article does not limit the power of a political subdivision to regulate the quality and character of work performed by a licensee through the enforcement of building codes or conducting inspections.

****Exception to licensure** - An individual acting at all times at the direction and under the supervision of a licensed installer need not be licensed in order to install a manufactured home. A licensee is fully responsible for all installation work performed under the licensee's direction or supervision.

- 126 active licenses
- 11 inactive licenses
- 6 new licenses issued in 2013
- 2 new licenses issued in 2014
- 0 licenses issued to date in 2015 (as of 2/12/2015)

Pre-Licensing Course Providers

Approval by the Board is required to offer a pre-licensing course to applicants for licensure. There are three active providers:

1. Indiana Manufactured Housing Association, CE10600353
2. James K. Keller, CE21000939
3. Tyson Marketing, CE21100021

Continuing Education Course Providers

Continuing education course providers are approved by the Board or automatically approved under IC 25-1-4-0.2. There are two active providers:

1. Indiana Manufactured Housing Association, CE10700587
2. Tyson Marketing, CE21100037

6. Provide the budget and other fiscal factors for regulating the regulated occupation, including the actual cost of administering license applications, renewals and issuing licenses.

The IPLA has a General Fund appropriation that is not board specific. The General Fund appropriation is used to support the agency operations for 38 licensing boards and staff. Licensing fees, as outlined in No. 4 of this report, are not dedicated to the profession.

To review the staffing costs associated with administering licenses and renewals for the Manufactured Home Installer Licensing Board, please see No. 2. For the costs associated with having the Board and paying per diem, travel and court reporters for board meetings, please see the last page of this section after the recommendation from the JCC.

7. Provide an assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

Federal law requires manufactured home installers to be licensed. Federal law also mandates minimum standards in training, licensing, installing and inspecting these homes. This federal law was established at the request of the industry.

Manufactured homes are engineered and constructed to rigorous standards with a multi-stage inspection and approval process. However, the benefits of the indoor, highly regimented system building process can be destroyed by a poor installation. Improper installation can create a variety of problems ranging from cracked drywall and improper fitting of doors and windows to serious safety issues with broken utility connections.

As a product that is largely focused on the affordable housing market we are keenly aware of any increased costs that will eventually be passed on to the consumer. There are obvious costs involved in the installer licensing process, including bonding, education and applications. There could also be an opportunity cost to an installer who has to attend continuing education class, although the current requirement of 10 CE hours in four years makes that negligible.

Home manufacturers have long claimed that the number one reason for warranty claims by new homeowners is due to improper installation of the home. All home manufacturers build expenses into the cost of the home to cover the anticipated warranty service. Historically, these expenses were as high as 4-5% of the home costs. Now they are down around 1-2% of the cost of the home.

According to the US Census Bureau, in 2013 the average sale price of a new manufactured home in Indiana was \$50,100. For each 1% a manufacturer saves in warranty costs up to \$510 can be kept as profit or passed on as savings to the consumer. If costs were lowered by 3% the warranty expense of each home would drop \$1,530. Considering that 823 new manufactured homes were sold (and presumably installed) in Indiana last year the economic impact would be around \$1.26 million for calendar year 2014. Over the 4 year period of all installer licenses the economic impact could be around \$5 million.

These figures relate only to trackable expenses as there is no way to quantify how much a money a homeowner invests to correct issues with their home after the warranty period expires or as of a result of poor secondary installations.”³⁷

8. Assess the necessity, burden and alternatives to the licenses issued by the board.

The JCC found that the required fees to be a manufactured home installer in Indiana are appropriate.

Alternatives to the licensing structures currently in place for manufactured home installers were discussed, and the JCC recommends that the state should continue to monitor the profession instead of the federal government. A voluntary system, such as the self-certification registry, would not work for this profession.

9. List any other criteria identified by the JCC.

None.

10. Include any recommendations for legislation, including whether: the regulation of a regulated occupation should be modified; the board should be

³⁷ Information accumulated in this section is from the report given by the Indiana Manufactured Housing Association Recreation Vehicle Indiana Council, Inc.

combined with another board; or whether the board or the regulation of the regulated occupation should be terminated; whether a license should be eliminated; or whether multiple licenses should be consolidated into a single license. The report should also include any recommendations for administrative changes and information that supports the Committee's recommendations. This section does not apply to fees that support dedicated funds. After the Committee has reviewed and evaluated a regulated occupation and board, the Committee shall provide the agency and the board that is the subject of the Committee's evaluation with recommendations for fees that the board should charge for application fees, renewal fees, and fees to issue licenses. The recommendation for fees must comply with the requirements under IC 25-1-8-2. However, the recommendation must not exceed the lesser of either one hundred dollars (\$100) or the actual administrative cost to process the application or renew or issue the license.

The Jobs Creation Committee recommends keeping the Manufactured Home Installer Licensing Board and its current regulatory structure because the federal government requires either federal or state oversight of the profession. The JCC finds that the current regulatory structure in place is efficient, and the federal government need not assume the state's current, regulatory role.

Manufactured Home Installer Licensing Board Costs

| Board Member Travel Reimbursements | 25-Feb-14 | 24-Jun-14 |
|---|------------------|------------------|
| Robert Young | \$13.20 | \$13.20 |
| Gregory Dickman | \$124.96 | \$124.96 |
| Galen Yoder | \$98.56 | \$102.96 |
| Patrick Cross | \$143.44 | -- |
| W. Joe Schulz | \$74.80 | \$74.80 |
| Dan Dodge | \$46.64 | -- |
| Mark Wisely | -- | -- |
| Evor Johns | -- | -- |
| | -- | -- |
| Monthly Totals | \$501.60 | \$315.92 |
| Total Travel Costs | \$817.52 | |

| Board Member Per Diem Payments | 25-Feb-14 | 24-Jun-14 |
|---------------------------------------|------------------|------------------|
| Robert Young | \$50.00 | \$50.00 |
| Gregory Dickman | \$50.00 | -- |
| Galen Yoder | \$50.00 | -- |
| Patrick Cross | \$50.00 | -- |
| W. Joe Schulz | \$50.00 | -- |
| Dan Dodge | \$50.00 | -- |
| Mark Wisely | -- | -- |
| Evor Johns | -- | -- |
| | -- | -- |
| Monthly Totals | \$300.00 | \$50.00 |
| Per Diem Total | \$350.00 | |

As of December 2014, only 1 board member had completed the paper work to receive per diem payments.

| Court Reporter Costs | 25-Feb-14 | 24-Jun-14 |
|----------------------------------|------------------|------------------|
| Accurate Reporting of Indiana | \$150.00 | \$150.00 |
| Total for Court Reporters | \$300.00 | |

| | |
|--|-------------------|
| TOTAL Board Operations Costs for 2014 | \$1,467.52 |
|--|-------------------|

Note: Costs are not representative of attendance as some members choose not receive payment.

(G) Private Investigator and Security Guard Licensing Board

- 1. Identify the functions, powers, and duties of the regulated occupation and the board, including any functions, powers or duties that are inconsistent with current or projected practice of the occupation.**

Definition of the Firm

IC 25-30-1-2: "Definitions"

Sec. 2. (3) "Private investigator firm" means the business of:

(A) making, for hire or reward, investigation or investigations for the purpose of obtaining information with reference to:

(i) a crime against the state or wrongs done or threatened;

(ii) the habits, conduct, movements, whereabouts, association, transactions, reputation, or character of a person;

(iii) credibility of witnesses or other persons;

(iv) the location or recovery of lost, abandoned, unclaimed, or stolen property;

(v) the causes, origin, or responsibility for fires or accidents or injuries to real or personal property; or

(vi) the truth or falsity of a statement or representation;

(B) securing, for hire or reward, evidence to be used for authorized investigation committees or boards of award or arbitration or in the trial of civil or criminal cases; or

(C) providing, for hire or reward, undercover investigators to detect and prevent fraud and theft in the workplace or elsewhere.

Establishment of the Board

The Board was established in accordance with IC 25-30-1-5.2 in 2007.

IC 25-30-1-5.2: Private investigator and security guard licensing board; establishment; members; terms; salaries

Sec. 5.2. (a) The private investigator and security guard licensing board is established.

(b) The board consists of:

(1) the superintendent of the state police department or the superintendent's designee; and

(2) the following six (6) members appointed by the Governor from different geographic regions of Indiana as determined by the Governor:

(A) Two (2) individuals who are associated with a private investigator firm licensed under this article.

(B) Two (2) individuals who are associated with a security guard agency licensed under this article.

(C) One (1) local law enforcement official.

(D) One (1) person who is not associated with the private investigator firm or security guard agency other than as a consumer.

(c) Each member of the board appointed by the Governor shall serve a term of two (2) years.

(d) The Governor may remove a board member appointed by the Governor for incompetency or failure to perform the member's duties under this chapter.

(e) A vacancy in the membership of the board shall be filled by appointment by the Governor for the unexpired term.

(f) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the board is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

Role of the Board

The Board's primary functions are to review credentials for private investigator and security guard firms, administer licenses to these qualified firms and implement administrative disciplinary actions against licensed businesses that are not practicing according to the Board's statutes and rules.

The Professional Licensing Agency leads in crafting legislation with input from the Private Investigator and Security Guard Licensing Board on related matters that work to benefit consumers and licensees in their industry.

Nothing was discovered that indicates the Board or licensed businesses are acting in a manner inconsistent with the current or projected practice of the occupations. Please see the JCC's statement in No. 10 of this report for the recommendations and additional information.

2. Assess the structure and the management efficiency of the board and the Indiana Professional Licensing Agency.

The Private Investigator and Security Guard Licensing Board operates with one board director (BD), one assistant director (AD) and four customer service representatives (CSR). The starting salary for a CSR is \$22,724. The starting salary for an AD is \$33,748, and board directors start at \$41,574. Fringe benefits are in addition to these figures. The annual salary budget for all 6 employees is approximately \$166,218.

In factoring the costs to process licenses, it's important to recognize that the IPLA is an umbrella agency for 38 additional boards and commissions. The staffers working for the Private Investigator and Security Guard Licensing Board also serve other boards. Specifically, "Group 10" includes the State Board of Registration for Professional Engineers, State Board of Registration for Professional Surveyors, State Board of Registration for Architects and Landscape Architects, Indiana Athletic Trainer Board and the Indiana State Board of Health Facility Administrators. These boards, and the composition of each group, are assigned by the agency director.

The agency's executive staff also provides services to the entire agency and should be considered in this analysis. This includes the executive director, deputy director, chief legal counsel, staff attorney, communications director, legislative director, controller, controller staff, IT director and IT staff. The cost of administering and managing these licenses would be even higher when factoring in the attorney general's office, which includes their expenses of Advisory Counsel to the Board, prosecution and senior management from both advisory and litigation.

3. Assess the regulated occupation's and the board's ability to meet the objectives of the General Assembly in licensing the regulated occupation.

The IPLA and the Private Investigator and Security Guard Licensing Board have met the standards and statutes imposed by the General Assembly in providing adequate service to the private investigator and security guard professions and its licensees. Based on the information provided to the JCC, recommendations were submitted. The policy statement from the JCC is No. 10 regarding the operational structure of the agency and the Board. The JCC is proposing changes to the how this profession is regulated.

4. Assess the fees that the board charges for licenses.

The IPLA has a General Fund appropriation that is not board specific and is used to support the agency's operations for all 38 of its licensing boards and commissions. Licensing fees are not dedicated to the profession. An assessment of the fees charged by the Board is as follows:

Private Investigator Firm License Fees

- a.) Issuance Fee \$300.00
- b.) Issuance Fee \$150.00 (if less than one year before quadrennial renewal date)
- c.) Renewal Fee \$300
- d.) Renewal Late Fee \$50

Security Guard Agency Fees

- a.) Issuance Fee \$300
- b.) Issuance Fee \$150 (if less than one year before quadrennial renewal date)
- c.) Renewal Fee \$300
- d.) Renewal Late Fee \$50

5. List the number of individuals who are licensed in the regulated occupation.

Private Investigator Firm License – A firm is required to be licensed if that entity practices private investigator services (IC 25-30-1-2 Definitions) in the State of Indiana.

- a.) 517 active licenses in Indiana
- b.) 48 new licenses issued since January 1, 2014

Security Guard Agency License – An agency is required to be licensed if that entity provides security services (IC 25-30-1.3-5 "Security guard agency") in the State of Indiana.

- a.) 393 active licenses in Indiana
- b.) 19 new licenses issued since January 1, 2014

The total number of active licenses with the Private Investigator and Security Guard Licensing Board is 910.

6. Provide the budget and other fiscal factors for regulating the regulated occupation, including the actual cost of administering license applications, renewals and issuing licenses.

The IPLA has a General Fund appropriation that is not board specific. The General Fund appropriation is used to support the agency operations for 38 licensing boards and staff. Licensing fees, as outlined in No. 4 of this report, are not dedicated to the profession.

To review the staffing costs associated with administering licenses and renewals for the Private Investigator and Security Guard Licensing Board, please see No. 2. For the costs associated with having the Board and paying per diem, travel and court reporters for board meetings, please see the last page of this section after the recommendation from the JCC.

7. Provide an assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

The associations believe that the licensing of private investigators (PI) and security guard (SG) companies is necessary to protect the public from unscrupulous, predatory and unqualified operators and to provide a necessary level of quality assurance to business owners and the public at large.

The associations see no economic value to the state or to the public in the deregulation of the PI and SG sectors, and in fact, it could lead to negative consequences in a substantial increase in consumer frauds and additional burdens on our law enforcement communities. Our present codes require only that one individual be eligible for licensing for each business, and those eligibility standards are minimal. The licensing fee is insignificant as a part of start-up costs (\$75 per year).

The associations routinely handle sensitive business and personal matters for our clients, which require the use and protection of confidential and proprietary information and the safeguarding of valuable client assets and personnel. In the absence of licensing, any individual could present himself to the public at large as a “private investigator” and make outrageous claims as to what they could do. In the absence of licensing the public would be in constant danger of exploitation by fraudsters, sexual predators and scam artists. Most guard company owners have a law enforcement background and are skilled in the protection of personnel and assets. Without licensing and regulation, individuals without any experience or training could offer guard services, placing the public and business owners in danger.

Although the associations believe that our codes could be enhanced to provide great assurances to the public and business communities, we equally believe that our minimum licensing standards must be maintained in the interest of public safety.

According to the US Census Bureau, in 2014 the mean salary for a security guard in Indiana was \$27,590 with an hourly rate of \$13.26. For private investigators, the average salary was between \$42,000 and \$50,000. Information specific to Indiana was not available.”³⁸

8. Assess the necessity, burden and alternatives to the licenses issued by the board.

The JCC found that the currently required fees to be a private investigator or security guard firm in Indiana are appropriate.

³⁸ Information in this section was in part accumulated from the report given by the Indiana Association of Professional Investigators and the Indiana Society of Professional Investigators.

Alternatives to the licensing structures currently in place for private investigator or security guard firms were discussed, and the JCC finds those ideas unpersuasive. A voluntary system, such as the self-certification registry, would be difficult to regulate given the high turnover of professionals in the fields. Licensing individual private investigators and security guards was previously done and deemed too onerous to administer and adequately regulate/oversee.

9. List any other criteria identified by the JCC.

None.

10. Include any recommendations for legislation, including whether: the regulation of a regulated occupation should be modified; the board should be combined with another board; or whether the board or the regulation of the regulated occupation should be terminated; whether a license should be eliminated; or whether multiple licenses should be consolidated into a single license. The report should also include any recommendations for administrative changes and information that supports the Committee's recommendations. This section does not apply to fees that support dedicated funds. After the Committee has reviewed and evaluated a regulated occupation and board, the Committee shall provide the agency and the board that is the subject of the Committee's evaluation with recommendations for fees that the board should charge for application fees, renewal fees, and fees to issue licenses. The recommendation for fees must comply with the requirements under IC 25-1-8-2. However, the recommendation must not exceed the lesser of either one hundred dollars (\$100) or the actual administrative cost to process the application or renew or issue the license.

The JCC recommends that Indiana maintain the Private Investigator & Security Guard Licensing Board and continue to regulate all license types, which includes private investigator firms and security guard agencies.

Private Investigator and Security Guard Licensing Board

| Board Member Travel Reimbursements | 9-Jan-14 | 13-Mar-14 | 8-May-14 | 10-Jul-14 | 11-Sep-14 | 13-Nov-14 |
|---|-------------------|------------------|-----------------|------------------|------------------|------------------|
| Don Johnson | --- | --- | --- | --- | --- | --- |
| Penelope Hughes | \$6.16 | \$6.16 | --- | --- | --- | \$6.16 |
| Lt. Darrell Ledsinger | --- | --- | --- | --- | --- | --- |
| Lewis LaMaster | \$73.92 | \$73.92 | \$73.92 | \$73.92 | \$73.92 | \$73.92 |
| Bob Caldwell | --- | \$248.74 | \$109.12 | --- | \$109.12 | \$109.12 |
| C. Tim Wilcox | --- | \$22.00 | \$22.00 | \$22.00 | --- | \$22.00 |
| Randy Sidwell | --- | --- | --- | --- | --- | --- |
| Monthly Totals | \$80.08 | \$350.82 | \$205.04 | \$95.92 | \$183.04 | \$211.20 |
| Total Travel Costs | \$1,126.10 | | | | | |

| Board Member Per Diem Payments | 9-Jan-14 | 13-Mar-14 | 8-May-14 | 10-Jul-14 | 11-Sep-14 | 13-Nov-14 |
|---------------------------------------|-----------------|------------------|-----------------|------------------|------------------|------------------|
| Don Johnson | --- | --- | --- | --- | --- | --- |
| Penelope Hughes | \$50.00 | \$50.00 | --- | --- | --- | --- |
| Lt. Darrell Ledsinger | --- | --- | --- | --- | --- | --- |
| Lewis LaMaster | \$50.00 | \$50.00 | \$50.00 | --- | --- | --- |
| Bob Caldwell | --- | \$50.00 | \$50.00 | --- | --- | --- |
| C. Tim Wilcox | --- | \$50.00 | \$50.00 | \$50.00 | --- | \$50.00 |
| Randy Sidwell | --- | --- | --- | --- | \$50.00 | \$50.00 |
| Monthly Totals | \$100.00 | \$200.00 | \$150.00 | \$50.00 | \$50.00 | \$100.00 |
| Per Diem Total | \$650.00 | | | | | |

As of 12/31/2014 only 2 board members had completed the paper work to receive per diem payments. State Employees are exempt from receiving payment.

| Court Reporter Costs | 9-Jan-14 | 13-Mar-14 | 8-May-14 | 10-Jul-14 | 11-Sep-14 | 13-Nov-14 |
|----------------------------------|-----------------|------------------|-----------------|------------------|------------------|------------------|
| Accurate Reporting of Indiana | \$90.00 | \$90.00 | \$90.00 | \$135.00 | --- | \$90.00 |
| Total for Court Reporters | \$495.00 | | | | | |

| | |
|--|-------------------|
| TOTAL Board Operations Costs for 2014 | \$2,271.10 |
|--|-------------------|

Note: Costs are not representative of attendance as some members choose not receive payment.

(H) State Board of Funeral and Cemetery Service

- 1. Identify the functions, powers, and duties of the regulated occupation and the board, including any functions, powers or duties that are inconsistent with current or projected practice of the occupation.**

Funeral and Cemetery Definitions

IC 25-15-2: Definitions

IC 25-15-2-3.5 "Branch location"

Sec. 3.5. As used in this chapter, "branch location" means a physical structure:

- (1) that is owned or leased by a person, not in conjunction with any other person, who owns and operates a licensed funeral home in the same or adjoining county;*
- (2) where human remains are prepared for a viewing, a funeral, or final disposition after initial preparation in a funeral home;*
- (3) where memorial visitation or the viewing of human remains is conducted before or as part of a memorial or funeral service; and*
- (4) where funerals that are not primarily for religious or worship purposes are conducted or held.*

IC 25-15-2-9 "Embalming"

Sec. 9. "Embalming" means the temporary preservation and disinfection of human remains by the internal or external application of chemicals or by other methods in preparation for disposition.

IC 25-15-2-15 "Funeral home"

Sec. 15. "Funeral home" means a physical structure where:

- (1) human remains are prepared for a funeral or final disposition;*
- (2) human remains are held for disposition;*
- (3) there is an embalming room in compliance with licensure requirements of this article where at least one (1) of the following takes place:*
 - (A) The embalming of human remains.*
 - (B) The prevention of the spread of infectious or contagious disease from human remains.*
 - (C) The aspiration of internal body fluids and gasses from human remains.*
 - (D) The temporary storage of non-casketed human remains awaiting final disposition.*
 - (E) The dressing, final preparation, and casketing of human remains;*
- (4) memorial visitation or the viewing of human remains is conducted before or as part of a memorial or funeral service; and*

(5) funerals whose primary function is not for a religious or worship purpose are conducted or held

IC 25-15-2-17 "Funeral services"

Sec. 17. As used in this chapter, "funeral services" means:

- (1) accepting, holding, caring for, or preparing human remains for a funeral or final disposition, including embalming (where authorized) and the practice of restorative arts;*
- (2) at need counseling of survivors of a deceased individual on:*
 - (A) the services, methods, and alternatives for final disposition of human remains; and*
 - (B) the requirements of federal and state law applicable to the sale of funeral services and merchandise;*
- (3) arranging, supervising, or conducting a funeral service in conjunction with the memorialization or the disposition of human remains, (however, "funeral services" does not include interment services performed in a cemetery by cemetery personnel), including attendance at services held in cemeteries or crematories where third persons are directly responsible for the physical acts associated with interment or final disposition of human remains;*
- (4) selling or offering to sell funeral merchandise described in IC 30-2-13-8 to a consumer at the time of need or in advance of need;*
- (5) selling or offering to sell funeral services described in IC 30-2-13-8 at the time of need or in advance of need;*
- (6) managing a funeral home or branch location licensed under IC 25-15-4-1 or IC 25-15-4-1.1; and*
- (7) arranging for the final disposition of human remains in compliance with public health and safety laws and in a manner that prevents the spread of infectious disease.*

Establishment of the Board

The Board was established in accordance with IC 25-15-2 in 1985. Prior to that date, the board was established as the Embalmers and Funeral Directors Board. The Board's current structure was established in accordance with IC 25-15-9-1 in 1991.

IC 25-15-9-2 Members; chairman

Sec. 2. (a) The board consists of eleven (11) members as follows:

- (1) Ten (10) members appointed by the Governor for terms of four (4) years.*
- (2) The commissioner of the state department of health or the commissioner's designee.*

(b) The board shall elect a chairman from the board's own membership every two (2) years to serve a term of two (2) years. The chairman shall be elected

alternately from those board members appointed under sections 3 and 4 of this chapter.

IC 25-15-9-3 Funeral directors; members

Sec. 3. Four (4) of the board's appointed members must be licensed funeral directors, in good standing, without any association with a school of mortuary science other than as a preceptor or supervisor of a funeral service intern.

IC 25-15-9-4 Cemetery owners or managers; members

Sec. 4. Four (4) of the board's appointed members must be active in the cemetery industry in Indiana, either as an owner or a manager of an operating cemetery property.

IC 25-15-9-5 Consumers; members

Sec. 5. Two (2) of the board's appointed members must be residents of Indiana who are not associated with the practice of funeral service or a cemetery operation other than as consumers.

IC 25-15-9-6 Party affiliation; members

Sec. 6. Not more than five (5) of the board's appointed members may be affiliated with the same political party.

IC 25-15-9-7 Number of terms; limitation

Sec. 7. The board's appointed members may serve only two (2) terms on the board, including prior service either as a member of the state board of funeral service or the state board of embalmers and funeral directors. A member of the board may serve until the member's successor is appointed and qualified under this chapter

Role of the Board

Primary functions are to review credentials license applicants, administer licenses to qualified individuals and facilities, consider requests for restitution from consumer protection funds, promulgate rules, and implement administrative disciplinary actions against licensees who are not practicing according to the Board's statutes and rules.

The IPLA crafts legislation with input from the Board on related matters that work to benefit consumers and licensees in their industry.

The Board is in existence to maintain Indiana's health, fiscal health, safety, and welfare of the public and practitioners as it pertains to the regulation of the funeral and cemetery industry.

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Nothing was discovered that indicates the Board or licensed businesses are acting in a manner inconsistent with the current or projected practice of the occupation. Please see the JCC's statement in No. 10 of this report for the recommendations and additional information.

2. Assess the structure and the management efficiency of the board and the Indiana Professional Licensing Agency.

The State Board of Funeral and Cemetery Service operates with one board director (BD), one assistant director (AD) and five customer service representatives (CSR) and four compliance officers (CO). The starting salary for a CSR is \$22,724. The starting salary for an AD and CO is \$33,748, and board directors start at \$41,574. Fringe benefits are in addition to these figures. The annual salary budget for all 6 employees is approximately \$323,934.

In factoring the costs to process licenses, it's important to recognize that the IPLA is an umbrella agency for 38 additional boards and commissions. The staffers working for the State Board of Funeral and Cemetery Service also serve other boards. Specifically, "Group 12" also includes the State Board of Cosmetology and Barber Examiners. These boards, and the composition of each group, are assigned by the agency director.

The agency's executive staff also provides services to the entire agency and should be considered in this analysis. This includes the executive director, deputy director, chief legal counsel, staff attorney, communications director, legislative director, controller, controller staff, IT director and IT staff. The cost of administering and managing these licenses would be even higher when factoring in the attorney general's office, which includes their expenses of Advisory Counsel to the Board, prosecution and senior management from both advisory and litigation.

3. Assess the regulated occupation's and the board's ability to meet the objectives of the General Assembly in licensing the regulated occupation.

The IPLA and the State Board of Funeral and Cemetery Service have met the standards and statutes imposed by the General Assembly in providing adequate service to funeral and cemetery licensees. Based on the information provided to the JCC, recommendations were submitted. The policy statement from the JCC is No. 10 regarding the operational structure of the agency and the board.

4. Assess the fees that the board charges for licenses.

The IPLA has a General Fund appropriation that is not board specific and is used to support the agency's operations for all 38 of its licensing boards and

commissions. Licensing fees are not dedicated to the profession. An assessment of the fees charged by the Board is as follows:

Funeral Director Intern

- a.) The applicant would need to pass the International Conference of Funeral Service Examining Boards Arts and Sciences examination. Fees are paid directly to the Conference.
- b.) The applicant would then apply for the license and pay the \$25.00 application/license fee.
- c.) The license is valid for two years and may be renewed for one more year by filing a renewal application and fee of \$25.00.

Funeral Director

- a.) The applicant would apply for the license and pay the \$50.00 application/license fee and the \$50.00 examination fee.
- b.) The applicant would then need to pass the funeral director law examination.
- c.) The license is valid for two years and may be renewed by filing a renewal application and fee of \$50.00.

Funeral Director by Reciprocity

- a.) The applicant would apply for the license and pay the \$50.00 application/license fee and the \$50.00 examination fee.
- b.) The applicant would then need to pass the funeral director law examination.
- c.) Reciprocity applicants are not required to obtain one year work experience as a funeral director intern in Indiana as a non-reciprocity applicant would.
- d.) The license is valid for two years and may be renewed by filing a renewal application and fee of \$50.00.

Embalmer

- a.) The board no longer issues an embalmer license however existing embalmer licenses may be renewed by filing a renewal application and renewal fee of \$50.00.

Courtesy Card

- a.) The applicant would apply for the license and pay the \$150.00 application/license fee.
- b.) The license is valid for two years and may be renewed by filing a renewal application and fee of \$150.00.
- c.) Pursuant to IC 25-15-10(4), the Board must consider the fees charged by states bordering Indiana that issue courtesy cards to charge a fee that is consistent with fees charged by those states.

Funeral Home and Funeral Home Branch

- a.) The applicant would apply for the license and pay the \$50.00 application/license fee.
- b.) The applicant would then need to pass inspection for issuance of the license.
- c.) The license is valid for two years and may be renewed by filing a renewal application and fee of \$50.00.

Crematory

- a.) The applicant would apply for the registration. There is no fee pursuant to statute.
- b.) The registration does not expire.

Cemetery

- a.) The applicant would apply for the registration and pay the \$100.00 fee pursuant to IC 25-15-9-17(b).
- b.) The registration does not expire.

5. List the number of individuals who are licensed in the regulated occupation.

Funeral Director – Required for anyone practicing funeral service without supervision in the State of Indiana.

- a.) 2488 active licenses in Indiana
- b.) 163 new licenses issued in past two year renewal cycle (1/2013-12/2014)

Funeral Director Intern – Required for anyone practicing funeral service under the supervision of a FD to gain experience to become a funeral director in the State of Indiana

- a.) 49 active licenses in Indiana
- b.) 96 new licenses issued in past two years (1/2013-12/2014)

Embalmer (EM) – Required for anyone practicing embalming services in the State of Indiana.

- a.) 6 active licenses
- b.) No longer issue new embalmers licenses, however existing licenses are eligible for renewal every two years.

Courtesy Card – Established January 2013; required for a funeral director licensed in a bordering state that offers a courtesy card to Indiana funeral directors that would like to perform limited services without obtaining a funeral director license by reciprocity. The courtesy card provides for limited funeral director services.

- a.) 82 active licenses in Indiana
- b.) 82 new licenses issued in past two year renewal cycle (1/2013-12/2014)

Funeral Home – Required facility to hold and prepare human remains for viewing, a funeral, or final disposition.

- a.) 576 active licenses
- b.) 42 licenses issued in past two year renewal cycle (1/2013-12/2014)

Funeral Home Branch – Required facility where human remains are prepared for viewing, a funeral, or final disposition after initial preparation of the body in a funeral home.

- a.) 97 active licenses
- b.) 19 licenses issued in past two year renewal cycle (1/2013-12/2014)

Total number of licenses with the State Board of Funeral and Cemetery Service

- a.) Active – 3298
- b.) Probation – 13
- c.) Inactive – 47
- d.) Expired – 1151

6. Provide the budget and other fiscal factors for regulating the regulated occupation, including the actual cost of administering license applications, renewals and issuing licenses.

The IPLA has a General Fund appropriation that is not board specific. The General Fund appropriation is used to support the agency operations for 38 licensing boards and staff. Licensing fees, as outlined in No. 4 of this report, are not dedicated to the profession.

To review the staffing costs associated with administering licenses and renewals for the State Board of Funeral and Cemetery Service, please see No. 2. For the costs associated with having the Board and paying per diem, travel and court reporters for board meetings, please see the last page of this section after the recommendation from the JCC.

7. Provide an assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

The funeral service industry is not a growing segment of the economy due to changes in funeral customs which has led to a decrease in the number of funeral homes. The industry is primarily comprised of family-run businesses that have worked in the industry for generations. The Indiana Funeral Directors Association believes that the manner in which funeral service is practiced is vital to the health, welfare, and safety of the citizens of Indiana.

Regulation of funeral service through formal licensing of funeral homes and funeral directors has been the practice in Indiana and 48 other states for decades.

The rationale for doing so is still valid. (Colorado, the one exception, recently saw the need to increase their regulatory level.)

Reasons for licensing:

- The purchase of a funeral is a unique transaction under trying circumstances. The public needs to know that the person they have placed their trust in has met certain educational requirements and complies with strict licensing standards.
- The handling of human remains requires knowledge of infectious disease and requires safe handling protocols.
- Money paid in advance and held for future use deserves state protection that only licensing can provide.
- The public is best served when a licensing board is in place to handle consumer complaints.
- Only a licensing board can take immediate and emergency action against a practitioner to protect the public in rare cases where it is warranted.

Recommendations from IFDA:

1. Increase the entry level educational standard to a bachelor's degree to be in line with a growing number of other states as well as other comparable professions. (Indiana is falling behind and pay differential could cost us good candidates.)
2. Increase in the number of continuing education hours for re-licensure to help insure up-to-date practices and legal compliance.
3. Retention of current size and structure of board, but streamlining of complaint process.
4. Better and sooner "triage" of complaints by a practitioner.
5. Fines used towards enforcement with an increase of inspections and inspectors.

According to the US Census Bureau, in 2014 the mean salary for a mortician, undertaker and funeral director in Indiana was \$44,650.³⁹

8. Assess the necessity, burden and alternatives to the licenses issued by the board.

The JCC found that the currently required fees to be work in the funeral/cemetery industry in Indiana are appropriate.

Alternatives to the licensing structures currently in place for this industry were discussed, and the JCC finds these alternatives unpersuasive.

9. List any other criteria identified by the JCC.

³⁹ Information in this section is in part accumulated from the report presented by the Indiana Funeral Directors Association and the Indiana Cemetery Association.

None.

- 10. Include any recommendations for legislation, including whether: the regulation of a regulated occupation should be modified; the board should be combined with another board; or whether the board or the regulation of the regulated occupation should be terminated; whether a license should be eliminated; or whether multiple licenses should be consolidated into a single license. The report should also include any recommendations for administrative changes and information that supports the Committee's recommendations. This section does not apply to fees that support dedicated funds. After the Committee has reviewed and evaluated a regulated occupation and board, the Committee shall provide the agency and the board that is the subject of the Committee's evaluation with recommendations for fees that the board should charge for application fees, renewal fees, and fees to issue licenses. The recommendation for fees must comply with the requirements under IC 25-1-8-2. However, the recommendation must not exceed the lesser of either one hundred dollars (\$100) or the actual administrative cost to process the application or renew or issue the license.**

The JCC recommends that Indiana maintain the State Board of Funeral and Cemetery Service and continue to license the following license types: embalmer only, funeral home, funeral director, certificate of authority, crematorium, cemetery, funeral branch, CE provider – funeral, and funeral director courtesy card.

The JCC also recommends the elimination of the funeral director intern license, instead only requiring a registration at no cost to the individual. Funeral director interns would still be required to work under the direct and immediate supervision of a licensed funeral director.

State Board of Funeral and Cemetery Service

| Board Member Travel Reimbursements | 6-Feb-14 | 3-Apr-14 | 12-Jun-14 | 26-Jun-14 | 7-Aug-14 | 2-Oct-14 | 4-Dec-14 |
|---|-------------------|-----------------|------------------|------------------|-----------------|-----------------|-----------------|
| David McComb | \$121.44 | --- | \$121.44 | --- | \$121.44 | --- | --- |
| Matthew Drury | \$25.52 | \$25.52 | \$25.52 | --- | --- | --- | --- |
| James Todd | \$42.24 | \$42.24 | \$42.24 | --- | \$42.24 | --- | --- |
| John Gerlach | \$288.65 | \$265.65 | \$301.65 | --- | \$286.67 | --- | --- |
| Theodore Mau | \$11.44 | \$11.44 | \$11.44 | \$11.44 | \$11.44 | \$11.44 | \$11.44 |
| Anne Patterson | --- | \$26.40 | --- | --- | --- | --- | --- |
| Roland Cutter | \$64.24 | \$64.24 | \$64.24 | \$64.24 | \$64.24 | \$64.24 | \$64.24 |
| Tasha Smith | --- | --- | --- | --- | --- | --- | --- |
| Paul St. Pierre | --- | --- | --- | --- | --- | --- | --- |
| Samuel Frain | --- | \$101.20 | \$101.20 | \$101.20 | \$101.20 | \$101.20 | \$101.20 |
| Donald Alford | --- | --- | --- | --- | --- | \$186.56 | \$186.56 |
| Robert Loose | --- | --- | --- | --- | --- | \$38.72 | \$38.72 |
| Thomas Sproles | --- | --- | --- | --- | --- | \$44.88 | \$44.88 |
| Chistopher Cooke | --- | --- | --- | --- | --- | \$201.52 | \$201.52 |
| Monthly Totals | \$553.53 | \$536.69 | \$667.73 | \$176.88 | \$627.23 | \$648.56 | \$648.56 |
| Total Travel Costs | \$3,859.18 | | | | | | |

| Board Member Per Diem Payments | 6-Feb-14 | 3-Apr-14 | 12-Jun-14 | 26-Jun-14 | 7-Aug-14 | 2-Oct-14 | 4-Dec-14 |
|---------------------------------------|-----------------|-----------------|------------------|------------------|-----------------|-----------------|-----------------|
| David McComb | \$50.00 | --- | \$50.00 | --- | --- | --- | --- |
| Matthew Drury | \$50.00 | \$50.00 | \$50.00 | --- | --- | --- | --- |
| James Todd | \$50.00 | \$50.00 | \$50.00 | --- | \$50.00 | --- | --- |
| John Gerlach | --- | --- | --- | --- | --- | --- | --- |

| | | | | | | | |
|-----------------------|-------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Theodore Mau | \$50.00 | \$50.00 | \$50.00 | \$50.00 | --- | --- | --- |
| Anne Patterson | \$50.00 | \$50.00 | \$0.00 | --- | --- | --- | --- |
| Roland Cutter | \$50.00 | \$50.00 | \$50.00 | \$50.00 | \$50.00 | \$50.00 | \$50.00 |
| Tasha Smith | --- | --- | --- | --- | --- | --- | --- |
| Paul St. Pierre | --- | --- | --- | --- | --- | --- | --- |
| Samuel Frain | --- | \$50.00 | \$50.00 | \$50.00 | \$50.00 | \$50.00 | \$50.00 |
| Donald Alford | --- | --- | --- | --- | --- | \$50.00 | \$50.00 |
| Robert Loose | --- | --- | --- | --- | --- | \$50.00 | \$50.00 |
| Thomas Sproles | --- | --- | --- | --- | --- | \$50.00 | \$50.00 |
| Chistopher Cooke | --- | --- | --- | --- | --- | \$50.00 | \$50.00 |
| Monthly Totals | \$300.00 | \$300.00 | \$300.00 | \$150.00 | \$150.00 | \$300.00 | \$300.00 |
| Per Diem Total | \$1,800.00 | | | | | | |

As of 2/5/15 all members had completed the paper work to receive per diem payments.

| Court Reporter Costs | 6-Feb-14 | 3-Apr-14 | 12-Jun-14 | 26-Jun-14 | 7-Aug-14 | 2-Oct-14 | 4-Dec-14 |
|----------------------------------|-----------------|-----------------|------------------|------------------|-----------------|-----------------|-----------------|
| Accurate Reporting of Indiana | \$150.00 | \$150.00 | \$200.00 | --- | \$150.00 | --- | \$125.00 |
| Total for Court Reporters | \$775.00 | | | | | | |

| Dues and Subscription Costs | FY 2014 | FY 2015 |
|--|-----------------|-----------------|
| The International Conference of Funeral Services Exam Bds. | \$250.00 | \$250.00 |
| Total | \$250.00 | \$250.00 |

Paid out of the Dedicated Funeral Education Fund 40310

| | |
|--|-------------------|
| TOTAL Board Operations Costs for 2014 | \$6,684.18 |
|--|-------------------|

Note: Costs are not representative of attendance as some members choose not receive payment.

(I) Committee of Hearing Aid Dealer Examiners

- 1. Identify the functions, powers, and duties of the regulated occupation and the board, including any functions, powers or duties that are inconsistent with current or projected practice of the occupation.**

Hearing Aid Dealer and Other Pertinent Definitions

IC 25-20-1-1 Definitions

Sec. 1. Except as the context requires otherwise:

"Hearing aid" shall mean any instrument or device worn on the human body, designed and fit for an individual with a hearing loss and any parts, attachments or accessories of such an instrument or device. The term does not include a personal sound amplifier.

"Personal sound amplifier" means a device that simply magnifies sound and does not address an individual's specific hearing loss.

"Fit hearing aids" shall mean the hearing aid dealer's or salesman's evaluation or measurement of the powers or range of human hearing for the subsequent selection or adaption or sale of hearing aids.

"Dispense hearing aids" shall mean the sale, lease or rental of a hearing aid to anyone other than a hearing aid dealer. "Hearing aid dealer" shall mean any person who fits or dispenses hearing aids and who receives a commission or salary derived from the sale of such devices or maintenance of such devices except any person who serves said dealer only in an administrative or clerical manner and who does not evaluate, fit or dispense hearing aids shall be excluded.

"Audiologist" means an individual holding a license to practice audiology issued under IC 25-35.6.

"Registration" shall refer to the legal privilege given a person who holds a hearing aid dealer certificate of registration; and

"Temporary Registration" shall refer to the legal privilege given a person who holds a temporary hearing aid dealer certificate of registration.

Establishment of the Board

The Committee of Hearing Aid Dealer Examiners ("Committee") was created in 1981 (IC 25-20-1-1.5).

IC 25-20-1-1.5 Committee of hearing aid dealer examiners

Sec. 1.5. (a) There is established the committee of hearing aid dealer examiners which consists of five (5) members all appointed by the Governor to a term of three (3) years. Three (3) members must be hearing aid dealers licensed under this chapter, who are residents of this state and who have been practicing as hearing aid dealers for at least one (1) year prior to their appointment. One (1) member must be an otolaryngologist in this state, who is a resident of this state

and who has been engaged in the practice of otolaryngology for at least one (1) year prior to appointment to the committee. One (1) member must be a resident of this state who is in no way associated with the business of hearing aid dealers, audiology, or speech-language pathology other than as a consumer. Whenever a vacancy occurs on the committee, the Governor shall appoint a successor to serve the remainder of the term of the vacated member.

(b) Three (3) members present constitute a quorum.

(c) The members serve without compensation, except that each member is entitled to the salary per diem as provided by IC 4-10-11-2.1 and to reimbursement for travel, lodging, meals, and other expenses as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

Role of the Board

Primary functions are to review credentials license applicants, administer licenses to qualified individuals, consider requests for restitution from consumer protection funds, promulgate rules, and implement administrative disciplinary actions against licensees who are not practicing according to the Board's statutes and rules.

The IPLA crafts legislation with input from the Committee on related matters that work to benefit consumers and licensees in their industry.

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Nothing was discovered that indicates the Committee or licensed businesses are acting in a manner inconsistent with the current or projected practice of the occupation. Please see the JCC's statement in No. 10 of this report for the recommendations and additional information.

2. Assess the structure and the management efficiency of the board and the Indiana Professional Licensing Agency.

The Committee of Hearing Aid Dealer Examiners operates with one board director (BD), one assistant director (AD) and four customer service representatives (CSR). The starting salary for a CSR is \$22,724. The starting salary for an AD is \$33,748, and board directors start at \$41,574. Fringe benefits are in addition to these figures. The annual salary budget for all 6 employees is approximately \$166,218.

In factoring the costs to process licenses, it's important to recognize that the IPLA is an umbrella agency for 38 additional boards and commissions. The staffers working for the Committee of Hearing Aid Dealer Examiners also serve other boards. Specifically, "Group 4" also includes the Board of Pharmacy and the

Speech-Language Pathology Audiology Board. These boards, and the composition of each group, are assigned by the agency director.

The agency's executive staff also provides services to the entire agency and should be considered in this analysis. This includes the executive director, deputy director, chief legal counsel, staff attorney, communications director, legislative director, controller, controller staff, IT director and IT staff. The cost of administering and managing these licenses would be even higher when factoring in the attorney general's office, which includes their expenses of Advisory Counsel to the Board, prosecution and senior management from both advisory and litigation.

3. Assess the regulated occupation's and the board's ability to meet the objectives of the General Assembly in licensing the regulated occupation.

The IPLA and the Committee of Hearing Aid Dealer Examiners have met the standards and statutes imposed by the General Assembly in providing adequate service to licensed practitioners. Based on the information provided to the JCC, recommendations were submitted. The policy statement from the JCC is No. 10 regarding the operational structure of the agency and the board.

4. Assess the fees that the board charges for licenses.

The IPLA has a General Fund appropriation that is not board specific and is used to support the agency's operations for all 38 of its licensing boards and commissions. Licensing fees are not dedicated to the profession. An assessment of the fees charged by the Board is as follows:

The initial application for a Hearing Aid Dealer registration costs \$60. This registration is set on a biennial renewal cycle expiring on June 30th. To renew a hearing aid dealer registration, a licensee must pay \$40. If a licensee is renewing a permit late and it's less than three years since the registration was first granted, then the cost to renew is \$90 (\$50 penalty fee plus biennial renewal of \$40). If it's more than three years since the license was active, then it's \$100 (renewal fee plus initial application fee).

Student hearing aid dealer permits cost \$20 annually from the time of issuance. These permits are not on a renewal cycle.

Hearing aid dealers are required to complete twenty hours of continuing education credit prior to renewal. A registrant may use only credit hours earned in continuing education courses completed after the last date the registrant renewed a certificate of registration. Credit may be received only by completing continuing education courses that have been approved by the committee, the American Speech-Language-Hearing Association or the National Institute for Hearing

Instrument Studies. A copy of the original certificate of completion must be included.

5. List the number of individuals who are licensed in the regulated occupation.

Hearing Aid Dealer – Any person who fits or dispenses hearing aids and who receives a commission or salary derived from the sale of such devices or maintenance of such devices except any person who serves said dealer only in an administrative or clerical manner and who does not evaluate, fit or dispense hearing aids shall be excluded.

- a.) 287 active licenses
- b.) 16 new licenses issued in the last year

Student Hearing Aid Dealer – A student applicant employed or directly supervised in the fitting of hearing aids by a registrant holding a valid registration.

- a.) 63 active licenses
- b.) 51 new licenses issued in the last year

Total Number of Licenses = 350

6. Provide the budget and other fiscal factors for regulating the regulated occupation, including the actual cost of administering license applications, renewals and issuing licenses.

The IPLA has a General Fund appropriation that is not board specific. The General Fund appropriation is used to support the agency operations for 38 licensing boards and staff. Licensing fees, as outlined in No. 4 of this report, are not dedicated to the profession.

To review the staffing costs associated with administering licenses and renewals for the Committee, please see No. 2. For the costs associated with having the Committee and paying per diem, travel and court reporters for board meetings, please see the last page of this section after the recommendation from the JCC.

7. Provide an assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

The Committee on Hearing Aid Dealer Examiners is one of the smallest boards overseen by the IPLA, having approximately 350 practitioners. This board meets only twice a year and handles very little administrative business as there are few to no complaints filed against practitioners.

The International Hearing Society (IHS) believes that it is a matter of public safety for there to be an independent board, which focuses on the practice of dispensing hearing aids. It's the best way to ensure the highest standards of consumer protection and public safety.

According to the US Census Bureau, in 2014 the mean salary for a hearing aid specialist in Indiana was \$40,580.⁴⁰

8. Assess the necessity, burden and alternatives to the licenses issued by the board.

Please see No. 10.

9. List any other criteria identified by the JCC.

The JCC was given a letter from Cynthia Hoest, President of the Colorado Hearing Society. In this letter, it described the cause and effect of Colorado's actions in deregulating hearing aid professionals. Colorado has since passed language again regulating the profession because there was "a huge influx of unscrupulous, untrained and incapable people dispensing hearing aids."

The Attorney General's office has only revoked 2 hearing dealer licenses since 2008.

Please see No. 10 for more information.

10. Include any recommendations for legislation, including whether: the regulation of a regulated occupation should be modified; the board should be combined with another board; or whether the board or the regulation of the regulated occupation should be terminated; whether a license should be eliminated; or whether multiple licenses should be consolidated into a single license. The report should also include any recommendations for administrative changes and information that supports the Committee's recommendations. This section does not apply to fees that support dedicated funds. After the Committee has reviewed and evaluated a regulated occupation and board, the Committee shall provide the agency and the board that is the subject of the Committee's evaluation with recommendations for fees that the board should charge for application fees, renewal fees, and fees to issue licenses. The recommendation for fees must comply with the requirements under IC 25-1-8-2. However, the recommendation must not exceed the lesser of either one hundred dollars (\$100) or the actual administrative cost to process the application or renew or issue the license.

⁴⁰ Information in this section is in part accumulated from the report presented by the International Hearing Society.

The JCC recommends that Indiana maintain the Committee of Hearing Aid Dealer Examiners and continue to license hearing aid dealers.

The JCC also recommends elimination of the student hearing aid dealer license but that those serving as student hearing aid dealers still be allowed to practice under the direct and immediate supervision of a licensed hearing aid dealer.

Committee on Hearing Aid Dealer Examiners

| Board Member Travel Reimbursements | 13-Feb-14 | 9-Apr-14 | 9-Jul-14 | 8-Oct-14 |
|---|------------------|-----------------|-----------------|-----------------|
| Alan Reese | \$265.57 | \$242.57 | \$265.57 | \$99.44 |
| Robert Payne | \$9.68 | \$11.44 | \$11.44 | \$11.44 |
| Richard Miyamoto, M.D. | --- | \$10.56 | \$10.56 | \$10.56 |
| Anthony Gigli | --- | --- | --- | --- |
| Monthly Totals | \$275.25 | \$264.57 | \$287.57 | \$121.44 |
| Total Travel Costs | \$948.83 | | | |

| Board Member Per Diem Payments | 13-Feb-14 | 9-Apr-14 | 9-Jul-14 | 8-Oct-14 |
|---------------------------------------|------------------|-----------------|-----------------|-----------------|
| Alan Reese | \$50.00 | \$50.00 | \$50.00 | \$50.00 |
| Robert Payne | \$50.00 | \$50.00 | --- | --- |
| Richard Miyamoto, M.D. | --- | \$50.00 | \$50.00 | \$50.00 |
| Anthony Gigli | --- | --- | --- | --- |
| Monthly Totals | \$100.00 | \$150.00 | \$100.00 | \$100.00 |
| Per Diem Total | \$450.00 | | | |

As of 12/31/2014 only 2 board members had completed the paper work to receive per diem payments.

| | |
|--|-------------------|
| TOTAL Board Operations Costs for 2014 | \$1,398.83 |
|--|-------------------|

Note: Costs are not representative of attendance as some members choose not receive payment.

(J) Indiana Plumbing Commission

- 1. Identify the functions, powers, and duties of the regulated occupation and the board, including any functions, powers or duties that are inconsistent with current or projected practice of the occupation.**

Plumbing Definitions

IC 25-28.5-1-2 Definitions

Sec. 2. As used in this chapter:

(1) "Plumbing" means the practice of and the materials and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following:

(A) Sanitary drainage or storm drainage facilities, the venting system, and the public or private water supply systems, within or adjacent to any building or structure.

(B) The practice and materials used in the installation, maintenance, extension, or alteration of the stormwater, liquid waste, or sewerage, and water supply systems of any premises to the private property line or to their connection with any point of public disposal or other acceptable terminal.

The term does not include the planning, designing, and installation of sanitation and water systems in vehicles commonly known as mobile homes, the drilling of wells, the installation of pumps, pressure tanks, and piping incidental to the drilling or repair of a well system, the sale or installation of water softening equipment and apparatuses and services of the same, or the business of manufacturing or selling plumbing fixtures; appliances, equipment, or hardware; the installation of automatic sprinklers, the overhead or underground water supplies or standpipes when connected to an automatic sprinkler system or to their related devices or appurtenances connecting thereto; nor does the term include the work referred to in section 32(i) of this chapter; nor does the term include the planning or design of water supply or sewage systems which would ordinarily be performed as "the practice of engineering", as defined in IC 25-31-1, or the "practice of architecture", as defined in IC 25-4-1.

(2) "Plumbing contractor" means any person who, for compensation, undertakes to, or submits a bid to, or does himself or herself or by others, construct, repair, alter, remodel, add to, subtract from, or improve plumbing and who is responsible for substantially all the plumbing within the entire project, or one who fabricates units or plumbing substantially completed and ready for installation.

(3) "Journeyman plumber" means a person who engages or offers to engage in, as an occupation or trade, the construction, installation, alteration, maintenance, repair, remodeling, or removal and replacement of plumbing under the supervision, direction, and responsibility of a licensed plumbing contractor.

(4) "Maintenance man" means a person who is employed on a permanent basis to keep the premises of a business establishment in good repair.

- (5) "Contracting" means, except as exempted in this chapter, engaging in a business as a contractor.
- (6) "Person" means a natural person, except in the case of a plumbing contractor, in which case it may mean the partners or members of a partnership, limited partnership, or any form of unincorporated enterprise, owned by two (2) or more persons, and as applied to "corporation" in addition to the corporate entity means the officers or directors and employees thereof.
- (7) "Commission" means the Indiana plumbing commission created by this chapter.
- (8) "License" means a certificate issued by the commission established by this chapter which confers upon the holder the privilege to act as a plumbing contractor or a journeyman plumber as defined in this chapter.
- (9) "Farmstead" means a farm dwelling together with other buildings, structures, equipment, piping, and other plumbing materials and supplies, located upon a parcel of real estate used primarily for agricultural purposes located outside the corporate limits of a municipality and not connected to a public water supply.
- (10) "Licensing agency" means the Indiana professional licensing agency established under IC 25-1-5-3.
- (11) "Apprentice plumber" means an individual who:
- (A) is learning the plumbing trade; and
 - (B) is under the direction and immediate supervision of a licensed plumbing contractor or a licensed journeyman plumber.
- (12) "Registration" means the granting of a certificate by the commission that authorizes an individual to act as an apprentice plumber.

Establishment of the Board

The Indiana Plumbing Commission ("Commission") was created in 1972 (IC 25-28.5-1-3). At no time shall there be more than four members of the same political faith on the commission. No person, other than the representative of the state department of health, shall act as a member of the commission while holding another elective or appointive office either state or federal.

IC 25-28.5-1-4 Members of commission; appointment; terms; vacancies; dual office holding prohibited

Sec. 4. (a) The commission shall consist of six (6) members to be appointed by the Governor. Each member appointed shall be a citizen and resident of this state. Two (2) of the members shall be actively engaged in the plumbing contracting business for not less than five(5) years immediately prior to his appointment or shall have had ten(10) years experience in the plumbing contracting business. Two (2) of the members shall be persons who for not less than five (5) years immediately prior to their appointment have been employed as journeymen plumbers. One (1) member shall be the commissioner of the state department of health or a member of the commissioner's professional staff. One (1) member, appointed to represent the general public, may never have been associated with

plumbing in anyway other than as a consumer. The term of all members of the commission shall be for three (3) years and until their successors are appointed and qualified.

(b) Members appointed by the Governor to fill vacancies shall hold office for the unexpired term. At no time shall there be more than four (4) members of the same political faith on the commission. No person, other than the representative of the state department of health, shall act as a member of the commission while holding another elective or appointive office either state or federal

Role of the Board

Primary functions are to review credentials license applicants, administer licenses to qualified individuals, consider requests for restitution from consumer protection funds, promulgate rules, and implement administrative disciplinary actions against licensees who are not practicing according to the Commission's statutes and rules.

The IPLA crafts legislation with input from the Commission on related matters that work to benefit consumers and licensees in their industry.

The Commission is in existence to maintain Indiana's health, fiscal health, safety, and welfare of the public and practitioners as it pertains to the regulation of the plumbing industry.

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Nothing was discovered that indicates the Commission or licensed individuals are acting in a manner inconsistent with the current or projected practice of the occupation. Please see the JCC's statement in No. 10 of this report for the recommendations and additional information.

2. Assess the structure and the management efficiency of the board and the Indiana Professional Licensing Agency.

The Commission operates with one board director (BD), one assistant director (AD) and four customer service representatives (CSR). The starting salary for a CSR is \$22,724. The starting salary for an AD is \$33,748, and board directors start at \$41,574. Fringe benefits are in addition to these figures. The annual salary budget for all 6 employees is approximately \$166,218.

In factoring the costs to process licenses, it's important to recognize that the IPLA is an umbrella agency for 38 additional boards and commissions. The staffers working for the Commission also serve other boards. Specifically, "Group 14" also includes the boards the oversee accountants, massage therapists, optometrists,

physical therapists and occupational therapists. These boards, and the composition of each group, are assigned by the agency director.

The agency's executive staff also provides services to the entire agency and should be considered in this analysis. This includes the executive director, deputy director, chief legal counsel, staff attorney, communications director, legislative director, controller, controller staff, IT director and IT staff. The cost of administering and managing these licenses would be even higher when factoring in the attorney general's office, which includes their expenses of Advisory Counsel to the Board, prosecution and senior management from both advisory and litigation.

3. Assess the regulated occupation's and the board's ability to meet the objectives of the General Assembly in licensing the regulated occupation.

The IPLA and the Commission have met the standards and statutes imposed by the General Assembly in providing adequate service to licensed practitioners. Based on the information provided to the JCC, recommendations were submitted. The policy statement from the JCC is No. 10 regarding the operational structure of the agency and the Commission.

4. Assess the fees that the board charges for licenses.

The IPLA has a General Fund appropriation that is not board specific and is used to support the agency's operations for all 38 of its licensing boards and commissions. Licensing fees are not dedicated to the profession. An assessment of the fees charged by the Commission is as follows:

| | |
|---|--------------------------------|
| 1. Plumbing Apprentice Application fee | \$10 |
| 2. Plumbing Apprentice Renewal fee | \$10 |
| 3. Journeyman Plumber Application fee | \$30 |
| 4. Journeyman Plumber Issuance fee | \$30 even yrs. /\$15 odd yrs. |
| 5. Journeyman Plumber Renewal fee | \$30 (every 2 yrs) |
| 6. Journeyman Plumber Reinstate fee | \$60 |
| 7. Plumbing Contractor Application fee | \$50 |
| 8. Plumbing Contractor Issuance fee | \$100 even yrs. /\$50 odd yrs. |
| 9. Plumbing Contractor Renewal fee | \$50 (every 2 yrs) |
| 10. Plumbing Contractor Reinstate fee | \$200 |
| 11. Temporary Contractor license fee | \$25 |
| 12. Plumbing Contractor Corp. Application fee | \$50 |
| 13. Plumbing Contractor Corp. Renewal fee | \$100 |
| 14. Plumbing Contractor Corp. Reinstate fee | \$200 |

A \$50 late fee is assessed for licenses expired less than 3 years

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Plumbers Recovery Fund, IC 25-28.5-2

The Plumbers Recovery Fund is administered by the Commission and is established so that if any aggrieved person obtains a final judgment in any court against any plumbing contractor to recover damages for a violation under IC 25-1-11 or the plumbing codes of the state (with or without a finding by the Commission) that results in an actual cash loss to the aggrieved person, the person may, upon termination of all proceedings, including appeals and proceedings supplemental to judgment for collection purposes, file a verified application in the court in which the judgment was entered for an order directing payment out of the Plumbers Recovery Fund of the amount of actual and direct loss in the transaction that remains unpaid upon the judgment. The amount of actual and direct loss may include court costs but may not include attorney's fees or punitive damages awarded. The amount that may be paid from the Plumbers Recovery Fund may not exceed \$20,000 per judgment and an aggregate lifetime limit of \$50,000 with respect to any one licensee.

The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

Money in the fund at the end of a state fiscal year does not revert to the state general fund, except if the total amount in the Plumbers Recovery Fund (including principal and interest) exceeds \$550,000 at the end of a state fiscal year after the payment of all claims and expenses, the amount in excess of \$550,000 reverts to the state General Fund

If the total amount in the Plumbers Recovery Fund (including principal and interest) plus estimated revenues from the fee assessed under section 2.1 of this chapter from July 1 of the current year through June 30 of the next year will be less than \$330,000 on June 30 in an odd-numbered year after the payment of all claims and expenses, the Indiana Plumbing Commission shall assess a surcharge in order to maintain the fund at an approximate level of \$400,000.

As of March 31, 2015, the Plumbers Recovery Fund balance was at \$504,885.84, which requires no collection of the fee. The last payment out of the fund was August 2012.

5. List the number of individuals who are licensed in the regulated occupation.

Plumbing Apprentice – an individual who: (A) is learning the plumbing trade; and (B) is under the direction and immediate supervision of a licensed plumbing contractor or a licensed journeyman plumber.

- a) 1,087 active licenses
- b) 400 licenses issued in 2013
- c) 417 licenses issued in 2014
- d) 38 licenses issued to date in 2015 (as of 4/13/2015)

Journeyman Plumber – a person who engages or offers to engage in, as an occupation or trade, the construction, installation, alteration, maintenance, repair, remodeling, or removal and replacement of plumbing under the supervision, direction, and responsibility of a licensed plumbing contractor.

- a) 4,538 active licenses
- b) 107 licenses issued in 2013
- c) 55 licenses issued in 2014
- d) 14 licenses issued to date in 2015 (as of 4/13/2015)

Plumbing Contractor – any person who, for compensation, undertakes to, or submits a bid to, or does himself or herself or by others, construct, repair, alter, remodel, add to, subtract from, or improve plumbing and who is responsible for substantially all the plumbing within the entire project, or one who fabricates units or plumbing substantially completed and ready for installation.

- a) 3,339 active licenses
- b) 86 licenses issued in 2013
- c) 82 licenses issued in 2014
- d) 15 licenses issued to date in 2015 (as of 4/13/2015)

Temporary Contractor – an individual who has an ownership interest in or is an officer of a contracting business if the plumbing contractor licensee operating the business has died or is physically or mentally unable to operate the business. The commission may issue the license for the period needed to dispose of the contracting business or to otherwise meet the emergency giving rise to the need for the license. However, a temporary contractor's license may not be issued for a period, including all renewals, exceeding two (2) years.

- a) 1 active licenses
- b) 2 licenses issued in 2013
- c) 1 licenses issued in 2014
- d) 0 licenses issued to date in 2015 (as of 4/13/2015)

Corporate Plumbing Contractor – In the case of a corporation engaged in the business of a plumbing contractor, the corporation must be licensed as a plumbing contractor and must file with the commission an application as provided for in this chapter

- a) 529 active licenses
- b) 20 licenses issued in 2013
- c) 33 licenses issued in 2014
- d) 4 licenses issued to date in 2015 (as of 4/13/2015)

Approved Apprentice Programs

There are 17 approved plumbing apprentice providers in the State of Indiana.

Continuing Education Course Providers

The 17 approved Plumbing Apprentice Programs are also approved as continuing education providers by the Commission.

6. Provide the budget and other fiscal factors for regulating the regulated occupation, including the actual cost of administering license applications, renewals and issuing licenses.

The IPLA has a General Fund appropriation that is not board specific. The General Fund appropriation is used to support the agency operations for 38 licensing boards and staff. Licensing fees, as outlined in No. 4 of this report, are not dedicated to the profession.

To review the staffing costs associated with administering licenses and renewals for the Commission, please see No. 2. For the costs associated with having the Board and paying per diem, travel and court reporters for board meetings, please see the last page of this section after the recommendation from the JCC.

7. Provide an assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

An unlicensed, untrained person performing plumbing work can cause a cross connection that can put themselves and the community they live in at risk of sickness, disease, and potential criminal and civil proceedings against them.

- The Center for Disease Control has documented 57 waterborne disease outbreaks related to cross-connections, resulting in 9, 734 illnesses.
- A Craun and Calderon report found that 30.3 percent of waterborne disease outbreaks in community systems were caused by contamination of water in the distribution system.
- The Center for Disease Control and Prevention has prepared Ebola guidance for Workers Handling Untreated Sewage from Ebola cases in the United States that address personal protective equipment (PPE) use and PPE disposal actions. Specifically they provide protocols for plumbers.

According to the World Health Organization:

“The safety and abundance of drinking water is, of course, a concern for most people all over the world, but what is not often emphasized is the work the plumbing industry contributes every day to alleviate these concerns. Over the life of a plumbing system, periodic maintenance is required. The chances of the system continuing to function in the safest manner possible grow exponentially when the person performing that maintenance is a trained professional.”

Given the increasing emphasis on college education, fewer people are entering the trades than ever before. At the same time, the level of knowledge and skill required of a plumber continues to grow as the industry becomes increasingly complex. Experience has demonstrated that the most practical and sound method of preparing workers for employment in skilled occupations is through planned apprenticeship.

Lieutenant Gov. Sue Ellspermann recently spoke at an event by challenging employers to do even more to invest in young talent in Indiana. The Indiana Career Council's strategic plan calls for 60% of the state's workers to have in-demand postsecondary skills and credentials by 2025. Aligning and engaging industry, education and the emerging workforce in work-and-learn models is a key strategy for Indiana's economic development.

Indiana Commissioner for Higher Education Teresa Lubbers recently spoke on Inside Indiana Business and said “It is abundantly clear that students who have opportunities to apply their classroom learning in a real-world setting are better prepared to meet employer expectations and succeed in their careers. We want work-and-learn experiences to become the new standard on our campuses and in our classrooms.”

Apprentice programs are indeed post-secondary education that allows individuals to achieve specialized training while earning a paycheck and contributing to the overall economy. The Plumbing apprenticeship programs are a proven example of work and learn. Apprentices finish their four-year training with good paying, secure employment and no debt. These programs are run by the industry – training individuals in a trade that cannot be outsourced—and at NO COST to the Indiana taxpayer.

- August 2012 US Department of Labor showed that skilled tradesmen who participate in an apprentice program typically earn almost a quarter-million dollars more than nonparticipants over the course of their careers.

The demand for plumbers continues to increase at a rate outpacing most other trades. According to the 2010/11 edition of Occupational Outlook Handbook

published by US Department of Labor Statistics, the need for plumbers will probably grow faster than average compared to other occupations through 2018.

The Indiana Department of Workforce Development named “Plumber” as the 20th hottest job of the future in Indiana. Hoosier Hot 50 Jobs is a listing of the 50 fastest growing, high-wage jobs of tomorrow. The list's ranking for Hoosier Hot 50 Jobs is based on expected demand and wages in 2022 for the state of Indiana. Even though the Hoosier Hot 50 Jobs focuses on the jobs of tomorrow, there are several professions that are hot now and “Plumber” is indicated as such.⁴¹

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The Bureau of Labor Statistics figures released in May 2013 show the median income for plumbers across the country as \$53,820 per year, or \$25.88 per hour. Apprentice hourly wages start at a percentage hourly rate of a journeyman, and increase each school semester (of 8 semesters) a certain percentage. For example, the first semester is 50%, second is 55%, through the 8th semester to 95%.

8. Assess the necessity, burden and alternatives to the licenses issued by the board.

It is the JCC’s opinion that licensure is necessary in this field. The currently required fees to work in the plumbing industry in Indiana are fairly competitive and not extraordinarily high in comparison with other licensed professions or in comparison to fees required in other states.

Alternatives to the licensing structures currently in place for this industry were discussed, and the JCC finds these alternatives unpersuasive. The specific recommendations are outlined in No. 10.

9. List any other criteria identified by the JCC.

The JCC suggests the Legislature remove the political requirements when appointing board members to the Indiana Plumbing Commission. This requirement is rare for the 38 occupational licensing boards overseen by the IPLA, and it is an unnecessary statutory requirement when considering the best qualified candidate to serve on the Commission. It also poses an administrative burden in how a political party is determined i.e. voting records, how the applicant identifies at the time of appointment, etc.

10. Include any recommendations for legislation, including whether: the regulation of a regulated occupation should be modified; the board should be combined with another board; or whether the board or the regulation of the regulated occupation should be terminated; whether a license should be

⁴¹ Information in this section collected from the report presented by the Plumbing Heating Cooling Contractors Association.

eliminated; or whether multiple licenses should be consolidated into a single license. The report should also include any recommendations for administrative changes and information that supports the Committee's recommendations. This section does not apply to fees that support dedicated funds. After the Committee has reviewed and evaluated a regulated occupation and board, the Committee shall provide the agency and the board that is the subject of the Committee's evaluation with recommendations for fees that the board should charge for application fees, renewal fees, and fees to issue licenses. The recommendation for fees must comply with the requirements under IC 25-1-8-2. However, the recommendation must not exceed the lesser of either one hundred dollars (\$100) or the actual administrative cost to process the application or renew or issue the license.

The JCC recommends that Indiana maintain the Indiana Plumbing Commission and continue to license the following license types: plumber contractor, journeyman plumber, temporary plumbing contractor, plumbing professional corporation, plumbing apprentice, and plumbing apprenticeship program.

Indiana Plumbing Commission

| Board Member Travel Reimbursements | 22-Jan-14 | 26-Mar-14 | 28-May-14 | 23-Jul-14 | 24-Sep-14 | 19-Nov-14 |
|---|-------------------|------------------|------------------|------------------|------------------|------------------|
| William Ciriello | --- | --- | --- | --- | --- | --- |
| Matt Buczolich | \$150.28 | \$156.78 | \$156.78 | --- | --- | --- |
| Eric Ott | \$150.28 | \$156.78 | \$156.78 | \$137.28 | \$0.00 | \$132.28 |
| Robert Synko | --- | --- | --- | --- | --- | --- |
| Owen Stephens | --- | \$149.74 | \$149.74 | \$130.24 | \$130.24 | --- |
| John Van Cleve | --- | --- | \$71.28 | \$71.28 | \$71.28 | \$71.28 |
| Monthly Totals | \$300.56 | \$463.30 | \$534.58 | \$338.80 | \$201.52 | \$203.56 |
| Total Travel Costs | \$2,042.32 | | | | | |

| Board Member Per Diem Payments | 22-Jan-14 | 26-Mar-14 | 28-May-14 | 23-Jul-14 | 24-Sep-14 | 19-Nov-14 |
|---------------------------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| William Ciriello | --- | --- | --- | --- | --- | --- |
| Matt Buczolich | \$50.00 | \$50.00 | \$50.00 | --- | --- | --- |
| Eric Ott | \$50.00 | \$50.00 | \$50.00 | --- | --- | --- |
| Robert Synko | --- | --- | --- | --- | --- | --- |
| Owen Stephens | --- | \$50.00 | --- | --- | --- | --- |
| John Van Cleve | --- | --- | \$50.00 | \$50.00 | \$50.00 | \$50.00 |
| Monthly Totals | \$100.00 | \$150.00 | \$150.00 | \$50.00 | \$50.00 | \$50.00 |
| Per Diem Total | \$550.00 | | | | | |

As of 12/31/2014 only 1 board member had completed the paper work to receive per diem payments and 1 of those waivers.

| Court Reporter Costs | 22-Jan-14 | 26-Mar-14 | 28-May-14 | 23-Jul-14 | 24-Sep-14 | 19-Nov-14 |
|----------------------------------|-------------------|------------------|------------------|------------------|------------------|------------------|
| Circle City Reporters | \$270.00 | \$382.50 | \$180.00 | \$225.00 | \$270.00 | \$270.00 |
| Total for Court Reporters | \$1,597.50 | | | | | |

| | |
|--|-------------------|
| TOTAL Board Operations Costs for 2014 | \$4,189.82 |
|--|-------------------|

Note: Costs are not representative of attendance as some members choose not receive payment.

(K) Indiana Auctioneer Commission

- 1. Identify the functions, powers, and duties of the regulated occupation and the board, including any functions, powers or duties that are inconsistent with current or projected practice of the occupation.**

Scope of Practice

IC 25-6.1-1-2 Scope of article

Sec. 2. This article provides licensing and registration for persons engaged in operating, conducting or otherwise producing auctions. No other agency or political subdivision of the state shall impose on a licensee or seller at auction any registration or license requirement or any license or employment fee or charge on account of such auction activities.

Auctioneering Definitions

IC 25-6.1-1-3 Definitions

Sec. 3. As used in this article:

"Auction" means a sale transaction conducted by means of oral or written exchanges between an auctioneer and the members of the auctioneer's audience, which exchanges consist of a series of invitations for offers for the purchase of goods or real estate made by the auctioneer and offers to purchase made by members of the audience and culminate in the acceptance by the auctioneer of the highest or most favorable offer made by a member of the participating audience.

"Auction company" means any person or persons who, as a part of its business, arranges, manages, sponsors, advertises, or carries out auctions.

"Auctioneer" means an individual who is engaged in, or who by advertising or otherwise holds the individual out as being available to engage in, the calling for, the recognition of, and the acceptance of offers for the purchase of goods or real estate at an auction.

Establishment of the Board

The Indiana Auctioneering Commission ("Commission") was established in accordance with IC 25-6.1-2 in 1977.

IC 25-6.1-2-1 Creation and membership

Sec. 1. Creation and Membership. (a) The Indiana auctioneer commission is created consisting of six (6) members, not more than four (4) of whom may be members of the same political party.

(b) A member of the commission is appointed by the Governor to serve for a term of three (3) years and until his successor is appointed and qualified. A vacancy arising on the commission shall be filled by the Governor, and the individual

appointed to fill such vacancy shall serve for the unexpired term of the individual whose vacancy is being filled.

(c) Five (5) individuals appointed to membership on the commission must be citizens of Indiana and engaged as auctioneers for a period of not less than five (5) years immediately preceding their appointment. One (1) individual appointed to membership on the commission must be a citizen of Indiana who has not been associated with auctioneering in any way other than as a consumer.

(d) An individual may not act as a member of the commission while holding another elected or appointed office in either the state or federal government.

Role of the Board

Primary functions are to review credentials license applicants, administer licenses to qualified individuals, consider requests for restitution from consumer protection funds, promulgate rules, and implement administrative disciplinary actions against licensees who are not practicing according to the Commission's statutes and rules.

The IPLA crafts legislation with input from the Commission on related matters that work to benefit consumers and licensees in their industry.

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Nothing was discovered that indicates the Commission or licensed individuals are acting in a manner inconsistent with the current or projected practice of the occupation. Please see the JCC's statement in No. 10 of this report for the recommendations and additional information.

2. Assess the structure and the management efficiency of the board and the Indiana Professional Licensing Agency.

The Commission operates with one board director (BD), one assistant director (AD) and five customer service representatives (CSR). The starting salary for a CSR is \$22,724. The starting salary for an AD is \$33,748, and board directors start at \$41,574. Fringe benefits are in addition to these figures. The annual salary budget for all 6 employees is approximately \$188,942.

In factoring the costs to process licenses, it's important to recognize that the IPLA is an umbrella agency for 38 additional boards and commissions. The staffers working for the Commission also serve other boards. Specifically, "Group 9" also includes the Indiana Real Estate Commission, Indiana Real Estate Appraiser Board, Home Inspector Licensing Board and the Manufactured Home Installer Board. These boards, and the composition of each group, are assigned by the agency director.

The agency’s executive staff also provides services to the entire agency and should be considered in this analysis. This includes the executive director, deputy director, chief legal counsel, staff attorney, communications director, legislative director, controller, controller staff, IT director and IT staff. The cost of administering and managing these licenses would be even higher when factoring in the attorney general’s office, which includes their expenses of Advisory Counsel to the Board, prosecution and senior management from both advisory and litigation.

3. Assess the regulated occupation's and the board's ability to meet the objectives of the General Assembly in licensing the regulated occupation.

The IPLA and the Commission have met the standards and statutes imposed by the General Assembly in providing adequate service to licensed practitioners. Based on the information provided to the JCC, recommendations were submitted. The policy statement from the JCC is No. 10 regarding the operational structure of the agency and the board.

4. Assess the fees that the board charges for licenses.

The IPLA has a General Fund appropriation that is not board specific and is used to support the agency’s operations for all 38 of its licensing boards and commissions. Licensing fees are not dedicated to the profession. An assessment of the fees charged by the Board is as follows:

| | |
|--|-------|
| Application fee | \$35 |
| Examination fee | \$70 |
| Reciprocal application fee | \$70 |
| Quadrennial Renewal Fee | \$70 |
| Reinstatement of expired license (under 3 years) | \$120 |
| Reinstatement of expired license (over 3 years) | \$105 |

Auctioneer Recovery Fund

The balance of the fund at the end of 2014 was \$358,522. If the balance is below the \$360,000 threshold as of 6/30/2015, fees will be assessed during the next renewal cycle to bring the balance back to the statutory level of \$400,000. The last claim against the fund was in April 2014.

IC 25-6.1-8-1 Establishment of fund; administration; investments

Sec. 1. (a) The auctioneer recovery fund is established for the purpose set out in this chapter. The fund shall be administered by the auctioneer commission.(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be

invested. Interest that accrues from these investments shall be deposited in the fund.(c) Money in the fund at the end of a fiscal year does not revert to the state general fund, except as provided in section 2.1 of this chapter.

IC 25-6.1-8-2 Surcharge; formula; assessment

Sec. 2. (a) If the total amount in the auctioneer recovery fund (including principal and interest) is less than three hundred sixty thousand dollars (\$360,000) on June 30 in an odd-numbered year after the payment of all claims and expenses, the auctioneer commission shall assess a surcharge according to the following formula in order to maintain the fund at an approximate level of four hundred thousand dollars (\$400,000):

STEP ONE: Determine the amount remaining in the fund on June 30 of the current year after all expenses and claims have been paid.

STEP TWO: Subtract the amount determined under STEP ONE from four hundred thousand dollars (\$400,000).

STEP THREE: Determine the number of licensees who had licenses in effect on June 30 of the current year.

STEP FOUR: Divide the number determined under STEP TWO by the number determined under STEP THREE.

(b) The auctioneer commission shall assess the surcharge described in subsection (a) against each licensee who:

(1) receives an initial license; or

(2) receives a renewal license.

(c) The auctioneer commission shall assess the surcharge described in subsection (a) for the two (2) year period beginning on July 1 of the current year through June 30 of the next odd-numbered year.

(d) The surcharge assessed under this section is in addition to any other fee under this article.

5. List the number of individuals who are licensed in the regulated occupation.

Auctioneer – An individual who is engaged in, or who by advertising or otherwise holds the individual out as being available to engage in, the calling for, the recognition of, and the acceptance of offers for the purchase of goods or real estate at an auction.

- a) 2932 active licenses
- b) 244 inactive licenses
- c) 137 licenses issued in 2013
- d) 106 licenses issued in 2014
- e) 21 licenses issued to date in 2015 (as of 3/18/2015)

Auction Company – any person or persons who, as a part of its business, arranges, manages, sponsors, advertises, or carries out auctions.

- a) 395 active licenses
- b) 22 licenses issued in 2013
- c) 112 licenses issued in 2014 (due to elimination of the Auction House license)
- d) 9 licenses issued to date in 2015 (as of 3/18/2015)

Pre-Licensing Course Providers

Approval by the Commission is required to offer a pre-licensing course to applicants for licensure. There are 17 active providers in the state.

Continuing Education Course Providers

Continuing education course providers are approved by the Commission or automatically approved under IC 25-1-4-0.2. There are 21 active providers in the state.

6. Provide the budget and other fiscal factors for regulating the regulated occupation, including the actual cost of administering license applications, renewals and issuing licenses.

The IPLA has a General Fund appropriation that is not board specific. The General Fund appropriation is used to support the agency operations for 38 licensing boards and staff. Licensing fees, as outlined in No. 4 of this report, are not dedicated to the profession.

To review the staffing costs associated with administering licenses and renewals for the Commission, please see No. 2. For the costs associated with having the Commission and paying per diem, travel and court reporters for board meetings, please see the last page of this section after the recommendation from the JCC.

7. Provide an assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

Auctions are used to liquidate a variety of assets in a fair and commercially reasonable manner to attain the highest dollar in the current market.

Examples include but are not limited to: real estate, personal or estate items, business assets (tangible & intangible), livestock and farm products, machinery, mineral rights, automobiles, state and county surplus, bankruptcy, foreclosure, divorce and settling estates.

Numbers are difficult to assimilate for several reasons regarding the economic impact of the industry. There are approximately 2,900 active auctioneer licenses with an additional 394 auctioneer company licenses (as of February 2015). The average salary of a professional auctioneer varies widely depending on a number of factors, such as what type of auctions is being conducted: livestock, auto,

general household, estates, real estate, etc. Other factors include whether an auctioneer is contracted simply to call the bid and is compensated as such, or whether the auctioneer is doing all aspects of the transaction. The wage of an auctioneer is also dependent on whether they are working for an auction company or working independently? There are many facets to the auction industry, and therefore, it is very difficult to pin down the average wage of an auctioneer (BLS data not available).

Indiana has the lowest auctioneer license fees in the United States among those states that require licensure.

For Neighboring States:

- Ohio auctioneer fees are \$200.00 initially with a bond and \$200.00 renewal biennial.
- Illinois auctioneer fees are \$200.00 initially with a renewal fee of \$450.00 every other year if paid by January 1. After January 1 the fee is \$500.00.
- Kentucky auctioneer fees are \$150.00 initial and \$150.00 annual renewal.⁴²

8. Assess the necessity, burden and alternatives to the licenses issued by the board.

The currently required fees to work in the auctioneering industry in Indiana are appropriate and very low in comparison with other licensed professions.

Alternatives to the licensing structures currently in place for this industry were discussed, and the JCC will continue to deliberate on this at a public meeting pursuant to IC 25-1-16-14.

9. List any other criteria identified by the JCC.

The JCC suggests the Legislature remove the political requirements when appointing board members to the Indiana Auctioneer Commission. This requirement is rare for the 38 occupational licensing boards overseen by the IPLA, and it is an unnecessary statutory requirement when considering the best qualified candidate to serve on the board. It also poses an administrative burden in how a political party is determined i.e. voting records, how the applicant identifies at the time of appointment, etc.

10. Include any recommendations for legislation, including whether: the regulation of a regulated occupation should be modified; the board should be combined with another board; or whether the board or the regulation of the regulated occupation should be terminated; whether a license should be eliminated; or whether multiple licenses should be consolidated into a single

⁴² Information in this section is collected from the report presented by the Indiana Auctioneers Association.

license. The report should also include any recommendations for administrative changes and information that supports the Committee's recommendations. This section does not apply to fees that support dedicated funds. After the Committee has reviewed and evaluated a regulated occupation and board, the Committee shall provide the agency and the board that is the subject of the Committee's evaluation with recommendations for fees that the board should charge for application fees, renewal fees, and fees to issue licenses. The recommendation for fees must comply with the requirements under IC 25-1-8-2. However, the recommendation must not exceed the lesser of either one hundred dollars (\$100) or the actual administrative cost to process the application or renew or issue the license.

The JCC recommends that Indiana maintain the Auctioneer Commission and continue to regulate all license types, which includes the following: auctioneer, auction company, CE provider-auctioneer, and CE pre-course auctioneer.

Indiana Auctioneer Commission

| Board Member Travel Reimbursements | 24-Jan-14 | 18-Mar-14 | 13-May-14 | 19-Aug-14 | 1-Dec-14 |
|---|-------------------|------------------|------------------|------------------|-----------------|
| Jimmie Yagle | --- | \$85.36 | \$85.36 | \$245.49 | \$85.36 |
| Jack Fife | \$7.04 | \$7.04 | \$7.04 | \$7.04 | --- |
| Jack Lawson | --- | \$16.72 | \$16.72 | \$16.72 | --- |
| Greg Michael | --- | \$58.96 | \$58.96 | \$232.09 | \$58.96 |
| Larry Arnold | --- | --- | --- | \$123.20 | \$123.20 |
| John Kruse | --- | --- | --- | --- | --- |
| Peter Shawver | --- | --- | --- | --- | --- |
| Monthly Totals | \$7.04 | \$168.08 | \$168.08 | \$624.54 | \$267.52 |
| Total Travel Costs | \$1,235.26 | | | | |

| Board Member Per Diem Payments | 24-Jan-14 | 18-Mar-14 | 13-May-14 | 19-Aug-14 | 1-Dec-14 |
|---------------------------------------|------------------|------------------|------------------|------------------|-----------------|
| Jimmie Yagle | --- | \$50.00 | \$50.00 | \$50.00 | \$50.00 |
| Jack Fife | \$50.00 | \$50.00 | \$50.00 | \$50.00 | --- |
| Jack Lawson | --- | \$50.00 | \$50.00 | \$50.00 | --- |
| Greg Michael | --- | \$50.00 | \$50.00 | \$50.00 | \$50.00 |
| Larry Arnold | --- | --- | --- | --- | --- |
| John Kruse | --- | --- | --- | --- | --- |
| Peter Shawver | --- | --- | --- | --- | \$50.00 |
| Monthly Totals | \$50.00 | \$200.00 | \$200.00 | \$200.00 | \$150.00 |
| Per Diem Total | \$800.00 | | | | |

As of 12/31/2014 only 4 board members had completed the paper work to receive per diem payments.

| Court Reporter Costs | 24-Jan-14 | 18-Mar-14 | 13-May-14 | 19-Aug-14 | 1-Dec-14 |
|-------------------------------|------------------|------------------|------------------|------------------|-----------------|
| Accurate Reporting of Indiana | --- | \$150.00 | --- | \$150.00 | --- |
| Circle City Reporting | --- | --- | --- | --- | \$315.00 |
| Total for Court Reporters | \$615.00 | | | | |

| | |
|--|-------------------|
| TOTAL Board Operations Costs for 2014 | \$2,650.26 |
|--|-------------------|

Note: Costs are not representative of attendance as some members choose not receive payment.

EXHIBIT A – Active License Totals Per Board**INDIANA PROFESSIONAL LICENSING AGENCY
CURRENT LICENSES @ 5/22/2015**

5/22/2015

10:39:24AM

| <u>LICENSE CODE/TYPE</u> | <u>NUMBER CURRENT</u> | <u>ISSUED IN LAST YEAR</u> |
|--|-----------------------|----------------------------|
| 1 Physician | 26,768 | 1,322 |
| 2 Osteopathic Physician | 2,331 | 196 |
| 11 Medical Residency Permit | 1,365 | 541 |
| 50 Medical Corporation | 718 | 41 |
| 73 Medical Fellowship Permit | 70 | 51 |
| 74 Genetic Counselor | 66 | 13 |
| 75 Medical Teaching Permit | 2 | 0 |
| 101 CSR-Physician | 19,571 | 1,142 |
| 102 CSR-Osteopathic Physician | 1,686 | 156 |
| 9901 Temporary MD Permit | 51 | 51 |
| 9902 Temporary DO Permit | 6 | 6 |
| 9974 Temp Genetic Counselor Permit | 3 | 3 |
| 9975 Limited Scope MD | 1 | 0 |
| TOTAL FOR Medical Licensing Board | 52,638 | 3,522 |
| 5 Physical Therapist | 5,462 | 321 |
| 6 Phys Ther Assistant | 2,879 | 207 |
| 53 Physical Therapy Corporation | 33 | 0 |
| 9905 Temporary PT Permit | 16 | 16 |
| 9906 Temporary PTA Permit | 10 | 9 |
| TOTAL FOR Physical Therapy Committee | 8,400 | 553 |
| 7 Podiatrist | 468 | 30 |
| 41 Limited Podiatry TMP | 52 | 18 |
| 52 Podiatric Corporation | 25 | 0 |
| 707 CSR-Podiatrist | 392 | 29 |
| 9907 Podiatrist Temporary Permit | 1 | 1 |
| TOTAL FOR Podiatric Medicine Board | 938 | 78 |
| 8 Chiropractor | 1,328 | 67 |
| 51 Chiropractic Corporation | 184 | 1 |
| 78 Chiro Graduate Permit | 3 | 3 |
| TOTAL FOR Chiropractic Board | 1,515 | 71 |
| 10 Physician Assistant | 1,230 | 176 |
| 1010 CSR-Physician Assistant | 1,038 | 161 |
| 9910 Temporary PA Permit | 2 | 2 |
| TOTAL FOR Physician Assistant Committee | 2,270 | 339 |
| 12 Dentist | 4,123 | 177 |
| 13 Dental Hygienist | 5,131 | 232 |
| 43 Dental Anesthesia Permit | 238 | 13 |
| 54 Dental Corporation | 603 | 19 |
| 65 Mobile Dental Facility | 19 | 4 |
| 89 Dental Hygiene Anesthesia Permit | 1,454 | 324 |
| 1201 CE Sponsor - Dental | 46 | 10 |
| 1212 CSR-Dentist | 3,661 | 163 |
| 1215 Limited Dental Residency | 79 | 22 |
| 1220 Limited Dental Faculty | 4 | 2 |
| 1230 Dental Instructor | 9 | 1 |
| 1231 CSR-IU Dental Instructor | 3 | 0 |
| 1250 Limited Charitable Dental Permit | 4 | 4 |
| 1255 Limited Charitable Dental Hygienist Pmt | 1 | 1 |
| TOTAL FOR Dentistry Board | 15,375 | 972 |

EXHIBIT A – Active License Totals Per Board**INDIANA PROFESSIONAL LICENSING AGENCY
CURRENT LICENSES @ 5/22/2015**

5/22/2015

10:39:24AM

| <u>LICENSE CODE/TYPE</u> | <u>NUMBER CURRENT</u> | <u>ISSUED IN LAST YEAR</u> |
|---|-----------------------|----------------------------|
| 14 Health Facility Administrator | 1,307 | 54 |
| 15 Preceptor Eligible | 163 | 44 |
| 16 Residential Care Administrator | 62 | 11 |
| 47 HFA Provisional | 2 | 2 |
| 1401 CE Sponsor - HFA | 35 | 7 |
| 1501 HFA Preceptor | 61 | 61 |
| 1502 RCA Preceptor | 5 | 5 |
| 9914 HFA Temporary Permit | 3 | 3 |
| 9916 RCA Temporary Permit | 1 | 1 |
| TOTAL FOR Health Facility Admin Board | 1,639 | 188 |
| 17 Hearing Aid Dealer | 293 | 15 |
| 40 Student Hearing Aid Dealer | 62 | 47 |
| TOTAL FOR Hearing Aid Dealer Committee | 355 | 62 |
| 18 Optometrist | 1,518 | 54 |
| 56 Optometry Corporation | 165 | 3 |
| 1818 Optometric Legend Drug Certificate | 1,372 | 53 |
| TOTAL FOR Optometry Board | 3,055 | 110 |
| 19 Psychologist Limited | 9 | 0 |
| 20 Psychologist | 1,765 | 94 |
| 57 Psychology Corporation | 64 | 4 |
| 9820 CE Sponsor - Psychology | 29 | 3 |
| 9919 Limited Scope Psychologist | 25 | 14 |
| 9920 Temporary Psychologist Permit | 8 | 8 |
| TOTAL FOR Psychology Board | 1,900 | 123 |
| 22 Speech Pathologist | 2,970 | 229 |
| 23 Audiologist | 434 | 15 |
| 29 SLP Support Personnel | 161 | 65 |
| 46 CFY | 166 | 145 |
| 58 Speech Lan PA Corporation | 12 | 1 |
| TOTAL FOR Speech Lang Path & Audio Board | 3,743 | 455 |
| 24 Veterinarian | 2,538 | 173 |
| 25 Registered Vet Tech | 1,400 | 178 |
| 59 Veterinarian Corporation | 146 | 6 |
| 2424 CSR-Veterinarian | 1,669 | 113 |
| TOTAL FOR Veterinary Board | 5,753 | 470 |
| 26 Pharmacist | 10,990 | 529 |
| 45 Pharmacy Intern | 1,671 | 538 |
| 48 Wholesale Drug Distributor | 398 | 34 |
| 49 Pharmacy Corporation | 2 | 1 |
| 60 Pharmacy | 1,426 | 57 |
| 61 CSR | 779 | 59 |
| 64 Non-Resident Pharmacy | 1,016 | 223 |
| 67 Pharmacy Technician | 13,648 | 1,786 |
| 69 Home Medical Equip Service Provider | 766 | 111 |
| 1000 CSR-Pharmacy | 1,409 | 56 |
| 9967 Pharmacy Tech In-Training | 1,986 | 1,931 |
| TOTAL FOR Pharmacy Board | 34,091 | 5,325 |

EXHIBIT A – Active License Totals Per Board**INDIANA PROFESSIONAL LICENSING AGENCY
CURRENT LICENSES @ 5/22/2015**

5/22/2015

10:39:24AM

| <u>LICENSE CODE/TYPE</u> | <u>NUMBER CURRENT</u> | <u>ISSUED IN LAST YEAR</u> |
|---|-----------------------|----------------------------|
| 9 Nurse Midwife | 172 | 21 |
| 27 Licensed Practical Nurse | 26,630 | 1,169 |
| 28 Registered Nurse | 110,326 | 6,706 |
| 55 Nursing Corporation | 18 | 1 |
| 71 APN Prescriptive Authority | 4,709 | 576 |
| 2871 CSR-Prescriptive Authority | 4,631 | 557 |
| 9927 Temporary LPN Permit | 11 | 9 |
| 9928 Temporary RN Permit | 96 | 95 |
| TOTAL FOR Nursing Board | 146,593 | 9,134 |
| 30 Respiratory Care Practitioner | 4,714 | 227 |
| 6830 Respiratory Care Professional Corp | 2 | 0 |
| 9830 Student Temp RCP | 39 | 38 |
| 9930 Temporary RCP Permit | 12 | 12 |
| TOTAL FOR Respiratory Care Committee | 4,767 | 277 |
| 31 Occupational Therapist | 3,149 | 201 |
| 32 Occ Therapy Assistant | 1,806 | 197 |
| 6831 Occupational Therapy Corporation | 4 | 1 |
| 9831 CE Sponsor - Occ Therapy | 30 | 10 |
| 9931 Temporary Occ Therapist Permit | 2 | 2 |
| 9932 Temporary OTA Permit | 2 | 2 |
| TOTAL FOR Occupational Therapy Committee | 4,993 | 413 |
| 33 Social Worker | 2,746 | 370 |
| 34 Clinical Social Worker | 4,709 | 272 |
| 35 Marriage & Family Therapist | 996 | 42 |
| 39 Mental Health Counselor | 1,958 | 120 |
| 85 Marriage & Family Associate | 99 | 38 |
| 86 Addiction Counselor | 289 | 3 |
| 87 Clinical Addiction Counselor | 1,438 | 4 |
| 88 Mental Health Associate | 79 | 58 |
| 6833 Behavioral Sciences Corp. | 15 | 1 |
| 9833 CE Sponsor - BHHS | 116 | 14 |
| 9933 Temp Social Worker Permit | 42 | 41 |
| 9934 Temp Clin Soc Worker Permit | 22 | 22 |
| 9939 Temp Mental Hlth Coun Permit | 8 | 8 |
| TOTAL FOR Behavioral Health Board | 12,517 | 993 |
| 36 Athletic Trainer | 1,239 | 148 |
| TOTAL FOR Athletic Trainer Board | 1,239 | 148 |
| 37 Dietitian | 1,353 | 124 |
| TOTAL FOR Dietitian Certification Board | 1,353 | 124 |
| 68 Multi-Profession Corporation | 12 | 2 |
| TOTAL FOR Corporations | 12 | 2 |
| 80 Acupuncture Detox Specialist | 22 | 2 |
| 81 Acupuncturist - DC | 138 | 8 |
| 82 Acupuncturist - DDS | 1 | 0 |
| 84 Licensed Acupuncturist | 105 | 9 |
| 6884 Acupuncture Corporation | 1 | 0 |
| TOTAL FOR Acupuncture Committee | 267 | 19 |

EXHIBIT A – Active License Totals Per Board**INDIANA PROFESSIONAL LICENSING AGENCY
CURRENT LICENSES @ 5/22/2015**

5/22/2015

10:39:24AM

| <u>LICENSE CODE/TYPE</u> | <u>NUMBER CURRENT</u> | <u>ISSUED IN LAST YEAR</u> |
|---|-----------------------|----------------------------|
| 20101 Certified Public Accountant | 12,615 | 426 |
| 20102 Public Accountant | 65 | 0 |
| 20103 Accounting Practitioner | 11 | 0 |
| 20104 Accountancy Professional Corp | 309 | 5 |
| 20106 Firm Permit to Practice Acct | 1,258 | 54 |
| TOTAL FOR Accountancy Board | 14,258 | 485 |
| 20201 Architect | 3,431 | 191 |
| 20202 Landscape Architect | 426 | 22 |
| 20203 Architect Professional Corporation | 100 | 10 |
| TOTAL FOR Architect Board | 3,957 | 223 |
| 20301 Auctioneer | 3,227 | 111 |
| 20302 Auction House | 1 | 0 |
| 20303 Auction Company | 411 | 125 |
| 20304 CE Provider - Auctioneer | 21 | 1 |
| 20305 CE Pre-Course - Auctioneer | 17 | 2 |
| TOTAL FOR Auctioneer Commission | 3,677 | 239 |
| 20601 Esthetician | 2,928 | 311 |
| 20602 Beauty Culture School | 97 | 2 |
| 20603 Cosmetologist | 47,275 | 2,130 |
| 20605 Manicurist | 5,999 | 356 |
| 20607 Beauty Culture Salon | 8,808 | 919 |
| 20611 Beauty Culture Instructor | 1,411 | 104 |
| 20612 Electrologist | 94 | 0 |
| 20614 Mobile Salon | 94 | 35 |
| 20616 Barber | 3,769 | 184 |
| 20618 Provisional Barber | 5 | 2 |
| 20622 Tanning Facility | 900 | 70 |
| 20647 Temp Beauty Culture Salon | 84 | 84 |
| 20648 Temp Manicuring Salon | 1 | 0 |
| 20661 Provisional Esthetician | 2 | 1 |
| 20664 Provisional Cosmetologist | 55 | 23 |
| 20665 Provisional Manicurist | 20 | 12 |
| TOTAL FOR Cosmetology & Barber Board | 71,542 | 4,233 |
| 20701 Private Investigator Firm | 565 | 34 |
| 20702 Security Guard Agency | 416 | 22 |
| TOTAL FOR Private Investig & Sec Guard | 981 | 56 |
| 20801 Engineer Intern | 23,509 | 223 |
| 20802 Professional Engineer | 13,025 | 788 |
| 20803 Engineering Professional Corporation | 140 | 9 |
| TOTAL FOR Engineer Board | 36,674 | 1,020 |

EXHIBIT A – Active License Totals Per Board**INDIANA PROFESSIONAL LICENSING AGENCY
CURRENT LICENSES @ 5/22/2015**

5/22/2015

10:39:24AM

| <u>LICENSE CODE/TYPE</u> | <u>NUMBER CURRENT</u> | <u>ISSUED IN LAST YEAR</u> |
|--|-----------------------|----------------------------|
| 20901 Embalmer Only | 11 | 0 |
| 20903 Funeral Home | 581 | 15 |
| 20904 Funeral Director | 1,732 | 68 |
| 20905 Funeral Director Intern | 46 | 38 |
| 20906 Certificate of Authority | 640 | 47 |
| 20907 Crematorium | 96 | 2 |
| 20908 Cemetery | 130 | 5 |
| 20909 Funeral Branch | 104 | 30 |
| 20910 CE Provider - Funeral | 303 | 9 |
| 20911 Funeral Director Courtesy Card | 81 | 29 |
| TOTAL FOR Funeral Board | 3,724 | 243 |
| 21001 Surveyor Intern | 412 | 4 |
| 21002 Professional Surveyor | 914 | 15 |
| 21003 Land Surveyor Professional Corporation | 7 | 1 |
| 21010 CE Provider - Land Surveyor | 30 | 2 |
| 21015 Land Surveyor Firm | 116 | 3 |
| TOTAL FOR Land Surveyor Board | 1,479 | 25 |
| 21101 Plumber Contractor | 3,377 | 74 |
| 21102 Journeyman Plumber | 4,575 | 54 |
| 21103 Plumbing Corporation | 533 | 18 |
| 21104 Plumbing Apprentice | 1,114 | 379 |
| 21105 Temporary Plumbing Contractor | 2 | 2 |
| 21110 Plumbing Apprenticeship Program | 15 | 0 |
| TOTAL FOR Plumbing Commission | 9,616 | 527 |
| 21201 Appraiser Trainee | 208 | 29 |
| 21202 Licensed Residential Appraiser | 322 | 0 |
| 21203 Certified Residential Appraiser | 1,119 | 55 |
| 21204 Certified General Appraiser | 867 | 67 |
| 21205 CE Sponsor - Appraiser | 22 | 3 |
| 21207 Appraiser Temporary Permit | 257 | 257 |
| 21210 Instructor - Appraiser | 217 | 17 |
| 21215 Appraisal Management Company | 181 | 21 |
| TOTAL FOR Appraiser Board | 3,193 | 449 |
| 21301 Real Estate Broker Company | 2,459 | 265 |
| 21304 Real Estate Broker | 31,508 | 7,743 |
| 21306 Real Estate Associate Broker | 5 | 0 |
| 21307 Real Estate Sales Person | 17 | 0 |
| 21308 Real Estate School | 29 | 4 |
| 21311 Real Estate Professional Corp | 84 | 5 |
| 21320 Real Estate Branch Office | 193 | 34 |
| 21323 CE Sponsor - RE Broker | 75 | 6 |
| 21325 Instructor Registration - Real Estate | 15 | 0 |
| 21327 Real Estate Instructor Permit | 645 | 181 |
| TOTAL FOR Real Estate Commission | 35,030 | 8,238 |
| 21401 Licensed Home Inspector | 720 | 111 |
| 21402 Pre-Course Provider - Home Inspector | 22 | 0 |
| 21403 CE Provider - Home Inspector | 26 | 1 |
| 21410 Instructor - Home Inspector | 21 | 0 |
| TOTAL FOR Home Inspectors Board | 789 | 112 |

EXHIBIT A – Active License Totals Per Board

**INDIANA PROFESSIONAL LICENSING AGENCY
CURRENT LICENSES @ 5/22/2015**

5/22/2015

10:39:24AM

| <u>LICENSE CODE/TYPE</u> | <u>NUMBER CURRENT</u> | <u>ISSUED IN LAST YEAR</u> |
|--|-----------------------|----------------------------|
| 21501 Manufactured Home Installer | 143 | 3 |
| 21502 CE Provider - Mgf Home Installer | 2 | 0 |
| 21503 Pre-Course - Mgf Home Installer | 3 | 0 |
| TOTAL FOR Manufactured Home Installers | 148 | 3 |
| | | |
| 21601 Massage Therapist | 4,284 | 361 |
| TOTAL FOR Massage Therapy Board | 4,284 | 361 |
| | | |
| 22001 Registered Interior Designer | 314 | 21 |
| TOTAL FOR Interior Design Registry | 314 | 21 |
| | | |
| TOTAL ACTIVE LICENSES/PERMITS | 493,079 | 39,613 |

License to Work

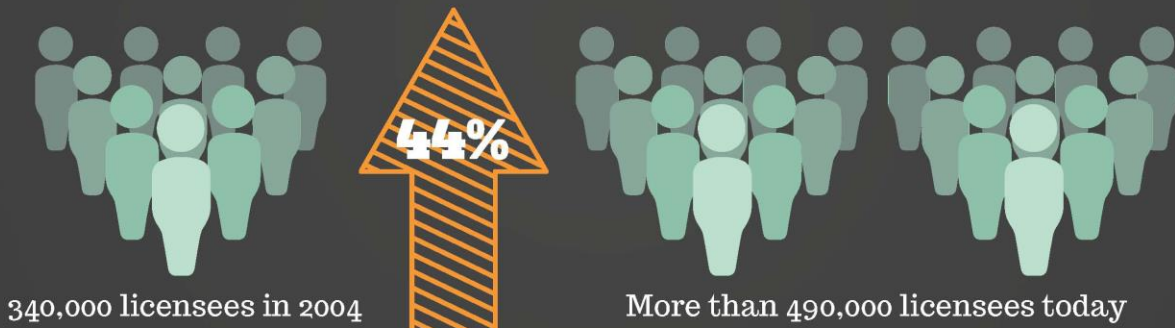
An occupational license is a form of government regulation where a governing body sets arbitrary requirements that an applicant must meet before being approved to practice a skill or trade. The Indiana Professional Licensing Agency administers more than 240 licenses and permits and oversees 38 different boards and commissions.



In 1950, 1 in 20 Americans needed a license to work. Today, that number is closer to 1 in 3.

Source: Institute for Justice

The number of licensed Hoosiers, just overseen by the IPLA, has dramatically increased over the last ten years.



REGULATIONS



Since 2002, 40 new licenses, permits and certifications have been created by the Legislature, including 20 new licensed occupations. Conversely, only 3 occupations no longer require licensure: Hypnotists, Environmental Health Specialists and Shampoo Operators.



APPENDIX I – JCC Member Bios

Members of the Jobs Creation Committee and Corresponding Bios

Nicholas Rhoad (Chairman) is the Executive Director of the Indiana Professional Licensing Agency. The agency is tasked with licensing one out of seven hard working Hoosiers in thirty-eight different professions such as doctors, CPAs, engineers and real estate professionals. IPLA's mission is to provide exemplary customer service for Hoosier licensees, serve as a catalyst for business growth and make Indiana the best place to live and work.

Nick has a bachelor's degree from Hillsdale College in Michigan and a master's degree from Indiana University. He also enjoys philanthropic work by being active in the community and volunteering his time to work with amputees and their families.

Nicholas Rhoad's appointment is pursuant to IC 25-1-16-7(a)(1).

—

Dr. Matthew Will is an Associate Professor of Finance for the University of Indianapolis MBA Program. He has both graduate and undergraduate degrees from Indiana University in Bloomington, as well as a doctorate from Anderson University in finance. After working a number of years in private industry as a senior manager and executive, he began a career in academia. Dr. Will spent 9 years on the faculty of Johns Hopkins University in Baltimore, Maryland. In 2001, he returned to his home state of Indiana and joined the faculty of the University of Indianapolis MBA Program. He has served as Director of the MBA Program, Associate Dean and currently holds the position of Director of External Relations.

Dr. Will's appointment is pursuant to IC 25-1-16-7(a)(6).

—

Tim Reed has been involved in the residential real estate industry as a broker for 34 years. He served as the District 1 Real Estate Commissioner from 1992 to 2014. He has also served as the President of the Duneland Valparaiso Board of Realtors and the Greater Northwest Indiana Association of Realtors. He has received numerous accolades including being recognized as the Realtor of the Year by the Indiana Association of Realtors and being a recipient of the Sagamore of the Wabash from Governor Pence.

Tim Reed's appointment is pursuant to IC 25-1-16-7(a)(5).

—

Barbara Quandt is the Indiana State Director of the National Federation of Independent Business (NFIB). A small business owner and NFIB member for over twenty years, Barbara Quandt represented NFIB in the state capital as well as in Washington, D.C. She was also the president and founder of Danville and Brownsburg World Travel agencies, and later, the president and co-founder of The Quandt Group, Inc., a public relations and crisis management consulting firm.

Born in Venezuela and raised in Northport, New York, Quandt has called Indiana her home since she arrived in Indianapolis to attend Butler University. Barbara Quandt is the mother of five.

APPENDIX I – JCC Member Bios

Barbara Quandt’s appointment is pursuant to IC 25-1-16-7(a)(4).

–

Richard Wilson has over 25 years combined service to our nation. Currently, he serves as the Executive Officer for the Director of Office of Audit Readiness at the U.S. Department of Defense Finance and Accounting Service (DFAS). Prior to joining the Defense Department, Richard served in the US Army with the 3rd Armored Division in the NATO Defense of Europe and Persian Gulf War. After leaving active duty, he served 16 years in various positions on the staff of U.S. Representative Dan Burton. He has served on several corporate and non-profit boards and is currently the President of the City of Lawrence Police Merit Commission. He is also the Treasurer of the Federated Campaign Stewards, a non-profit organization that runs charitable giving campaigns for federal government agencies in five states, and a Board Member of the Indiana War Memorials Foundation, a private 501 non-profit that supports the Indiana War Memorials and Museums.

Col. Richard Wilson’s appointment is pursuant to IC 25-1-16-7(a)(6).

–

John Wright is a Certified Public Accountant in Indiana and a Managing Director in the Evansville office of BKD, LLP. John has been involved in the taxation of public and private enterprises for over 35 years. He holds a Master of Science in Taxation with distinction from Grand Valley State University and a Bachelor of Science in Accounting from the University of Evansville.

John Wright’s appointment is pursuant to IC 25-1-16-7(a)(5).

–

Allen K. Pope is the Chief Counsel and Director of the Indiana Medicaid Fraud Control Unit for the Indiana Office of the Attorney General. He is also a faculty member of Indiana Wesleyan University and serves as an adjunct professor of IU Robert H. McKinney School of Law.

Allen Pope’s appointment is pursuant to IC 25-1-16-7(a)(3).

–

Chad Timmerman is the Director of Education Policy for the Office of the Governor and the Assistant Director of Education and Economic Development for the State Budget Agency/Office of Management and Budget. Before joining OMB, Chad served as a Legislative Assistant for the Indiana House of Representatives.

Chad Timmerman’s appointment is pursuant to IC 25-1-16-7(a)(2).

JOBS CREATION COMMITTEE

**Will meet on
Thursday, September 18, 2014
at 10:00 a.m.
at the Indiana Government Center-South
402 West Washington Street, Room W064
Indianapolis, Indiana 46204**

- I. CALL TO ORDER & ESTABLISHMENT OF QUORUM 10:00 A.M**
- II. ADOPTION OF AGENDA**
- III. OPENING REMARKS & INTRODUCTION**
 - A. Chairman Nicholas Rhoad, Executive Director of the IPLA**
- IV. REPORT FROM THE BOARD OF ACCOUNTANCY**
 - A. Hannah Fichter, Board Director for the Board of Accountancy**
- V. REPORT FROM THE ATTORNEY GENERAL’S OFFICE ON CONSUMER COMPLAINTS**
 - A. Paul Schilling, Deputy Attorney General**
- VI. REPORT FROM THE INDIANA CPA SOCIETY**
 - A. Gary Bolinger, CAE, CEO and President**
- VII. CONCLUDING DISCUSSION BY THE COMMITTEE**
- VIII. ADJOURNMENT**

**NEXT SCHEDULED MEETING
October 16, 2014
Indiana Government Center-South
402 West Washington Street, Room W064
Indianapolis, Indiana 46204**

JOBS CREATION COMMITTEE

Thursday, October 16, 2014
at 9:00 AM
in the Indiana Government Center-South
402 West Washington Street, Room W064
Indianapolis, IN 46204

- I. CALL TO ORDER & ESTABLISHMENT OF QUORUM**
- II. ADOPTION OF AGENDA & REVIEW OF SEPTEMBER MINUTES**
- III. COMMITTEE DISCUSSION & RECOMMENDATIONS FOR BOARD OF ACCOUNTANCY**
- IV. PRESENTATION FROM THE STATE BOARD OF REGISTRATION FOR ARCHITECTS & LANDSCAPE ARCHITECTS**
 - a. Amy Hall, Board Director
- V. PRESENTATION FROM THE INDIANA ATTORNEY GENERAL’S OFFICE re. ARCHITECTS & LANDSCAPE ARCHITECTS**
- VI. REPORT FROM AMERICAN INSTITUTE OF ARCHITECTS INDIANA**
 - a. Jason Shelley, Executive Director
- VII. REPORT FROM INDIANA CHAPTER OF THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS**
 - a. Stacy Haviland, President
- VIII. BREAK FOR LUNCH** **12:30 P.M.**
- IX. PRESENTATION FROM THE HOME INSPECTORS’ LICENSING BOARD**
 - a. Jeanette Langford, Board Director
- X. PRESENTATION FROM THE INDIANA ATTORNEY GENERAL’S OFFICE re. HOME INSPECTORS**
- XI. REPORT FROM INDIANA CHAPTER OF THE AMERICAN SOCIETY OF HOME INSPECTORS**
 - a. Danny Maynard, President
- XII. CONCLUDING DISCUSSION BY THE COMMITTEE**

XIII. ADJOURNMENT

**NEXT SCHEDULED MEETING
FOR THE JOBS CREATION COMMITTEE**

January 15, 2015
Indiana Government Center-South
402 West Washington Street, Room W064
Indianapolis, IN 46204

JOBS CREATION COMMITTEE

Will meet on
Thursday, January 15, 2014
at 8:30 a.m.
in the Indiana Government Center-South
402 West Washington Street, Room W064
Indianapolis, Indiana 46204

- I. CALL TO ORDER & ESTABLISHMENT OF QUORUM
8:30 A.M.**
- II. ADOPTION OF AGENDA & REVIEW OF OCTOBER MINUTES**
- III. COMMITTEE DISCUSSION & RECOMMENDATIONS FOR ARCHITECTS
& LANDSCAPE ARCHITECTS**
- IV. REPORT FROM THE STATE BOARD OF REGISTRATION FOR
PROFESSIONAL SURVEYORS**
 - A. Amy Hall, Board Director
- V. PRESENTATION FROM THE INDIANA ATTORNEY GENERAL’S OFFICE
re. SURVEYORS**
 - A. Terry Tolliver, Deputy Attorney General
- VI. REPORT FROM THE INDIANA SOCIETY OF PROFESSIONAL LAND
SURVEYORS, INC.**
 - A. Jason Coyle, Executive Director
- VII. BREAK FOR LUNCH** **12:30 P.M.**
- VIII. REPORT FROM THE STATE BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS**
 - A. Amy Hall, Board Director
- IX. PRESENTATION FROM THE INDIANA ATTORNEY GENERAL’S OFFICE
re. ENGINEERS**
 - A. Terry Tolliver, Deputy Attorney General
- X. REPORT FROM THE INDIANA SOCIETY OF PROFESSIONAL
ENGINEERS.**
 - A. Scott Haraburda, PhD, PE, ENSPE, President, ISPE
- XI. CONCLUDING DISCUSSION BY THE COMMITTEE**

XII. ADJOURNMENT

**NEXT SCHEDULED MEETING
February 19, 2014
Indiana Government Center-South
402 West Washington Street, Room W064
Indianapolis, Indiana 46204**

JOBS CREATION COMMITTEE

**Thursday, February 19, 2014
at 9:00 AM
in the Indiana Government Center-South
402 West Washington Street, Room W064
Indianapolis, IN 46204**

- I. CALL TO ORDER & ESTABLISHMENT OF QUORUM**
- II. ADOPTION OF AGENDA & REVIEW OF JANUARY MINUTES**
- III. COMMITTEE DISCUSSION**
- IV. PRESENTATION FROM THE MANUFACTURED HOME INSTALLER LICENSING BOARD**
 - a. Jeanette Langford, Board Director
- V. PRESENTATION FROM THE INDIANA ATTORNEY GENERAL’S OFFICE re. MANUFACTURED HOME INSTALLERS**
- VI. REPORT FROM THE INDIANA MANUFACTURED HOUSING ASSOCIATION – RECREATION VEHICLE INDIANA COUNCIL**
 - a. Mark Bowersox, Executive Director
- VII. BREAK FOR LUNCH**
- VIII. PRESENTATION FROM THE PRIVATE INVESTIGATOR AND SECURITY GUARD LICENSING BOARD**
 - a. Amy Hall, Board Director
- IX. PRESENTATION FROM THE INDIANA ATTORNEY GENERAL’S OFFICE re. PRIVATE INVESTIGATORS AND SECURITY GUARDS**
- X. REPORT FROM THE INDIANA SOCIETY OF PROFESSIONAL INVESTIGATORS**
 - a. Brandy Lord, President
- XI. REPORT FROM THE INDIANA ASSOCIATION OF PROFESSIONAL INVESTIGATORS**
 - a. Kim Ridding, President
- XII. CONCLUDING DISCUSSION BY THE COMMITTEE**

XIII. ADJOURNMENT

**NEXT SCHEDULED MEETING
FOR THE JOBS CREATION COMMITTEE
March 19, 2015
Indiana Government Center-South
402 West Washington Street, Room W064
Indianapolis, IN 46204**

JOBS CREATION COMMITTEE

**Thursday, March 19, 2014
at 9:00 AM
in the Indiana Government Center-South
402 West Washington Street, Room W064
Indianapolis, IN 46204**

- I. CALL TO ORDER & ESTABLISHMENT OF QUORUM**
- II. ADOPTION OF AGENDA & REVIEW OF FEBRUARY MINUTES**
- III. COMMITTEE DISCUSSION**
- IV. PRESENTATION ON “POVERTY AND ENTREPRENEURSHIP IN INDIANA: WIDENING THE ROAD OUT OF POVERTY”**
 - a. Doug Noonan, Associate Professor at Indiana University – Purdue University Indianapolis
- V. PRESENTATION FROM THE STATE BOARD OF FUNERAL AND CEMETERY SERVICE**
 - a. Tracy Hicks, Board Director
- VI. PRESENTATION FROM THE INDIANA ATTORNEY GENERAL’S OFFICE re. FUNERAL HOME DIRECTORS & CEMETERIES**
 - a. Terry Tolliver, Deputy Attorney General
- VII. REPORT FROM THE INDIANA FUNERAL DIRECTORS ASSOCIATION**
 - a. Curtis Rostad, Executive Director
- VIII. BREAK FOR LUNCH**
- IX. PRESENTATION FROM THE COMMITTEE ON HEARING AID DEALER EXAMINERS**
 - a. Rae Harman, Assistant Board Director
- X. PRESENTATION FROM THE INDIANA ATTORNEY GENERAL’S OFFICE re. HEARING AID DEALERS**
 - a. Laura Iosue, Deputy Attorney General
- XI. REPORT FROM THE INDIANA HEARING AID ALLIANCE**
 - a. Allen Reese and Bruce Campagna, Representatives
- XII. REPORT FROM THE INDIANA SPEECH-LANGUAGE-HEARING ASSOCIATION**

APPENDIX II – JCC Meeting Agendas

- a. Heidi Neuburger, Representative

XIII. CONCLUDING DISCUSSION BY THE COMMITTEE

XIV. ADJOURNMENT

**NEXT SCHEDULED MEETING
FOR THE JOBS CREATION COMMITTEE
April 16, 2015
Indiana Government Center-South
402 West Washington Street, Room W064
Indianapolis, IN 46204**

JOBS CREATION COMMITTEE

**Thursday, April 16, 2014
at 9:00 AM
in the Indiana Government Center-South
402 West Washington Street, Room W064
Indianapolis, IN 46204**

- I. CALL TO ORDER & ESTABLISHMENT OF QUORUM**
- II. ADOPTION OF AGENDA & REVIEW OF MARCH MINUTES**
- III. COMMITTEE DISCUSSION**
- IV. REPORT FROM THE INDIANA CEMETERY ASSOCIATION**
 - a. Casey Miller, Executive Director
- V. PRESENTATION FROM THE PRIVATE INVESTIGATOR & SECURITY GUARD LICENSING BOARD**
 - a. Randy Sidwell, Captain of the Pendleton Police Department and Board Member
- VI. PRESENTATION FROM THE INDIANA AUCTIONEER COMMISSION**
 - a. Jeanette Langford, Board Director
- VII. PRESENTATION FROM THE INDIANA ATTORNEY GENERAL’S OFFICE re. AUCTIONEERS**
 - a. Terry Tolliver, Deputy Attorney General
- VIII. REPORT FROM THE INDIANA AUCTIONEERS ASSOCIATION**
 - a. Kathy Baber, Executive Director
- IX. BREAK FOR LUNCH**
- X. PRESENTATION FROM THE INDIANA PLUMBING COMMISSION**
 - a. Rae Harman, Board Director
- XI. PRESENTATION FROM THE INDIANA ATTORNEY GENERAL’S OFFICE re. PLUMBERS**
 - a. Derek Peterson, Deputy Attorney General
- XII. REPORT FROM THE INDIANA PLUMBING HEATING COOLING CONTRACTORS ASSOCIATION**
 - a. Brenda Dant, Executive Director
- XIII. CONCLUDING DISCUSSION BY THE COMMITTEE**

XIV. ADJOURNMENT

**NEXT SCHEDULED MEETING
FOR THE JOBS CREATION COMMITTEE
June 2, 2015
Indiana Government Center-South
402 West Washington Street, Room W064
Indianapolis, IN 46204**

JOBS CREATION COMMITTEE

**Tuesday, June 2, 2015
at 9:00 AM
in the Indiana Government Center-South
402 West Washington Street, Room W064
Indianapolis, IN 46204**

- I. CALL TO ORDER & ESTABLISHMENT OF QUOROM**
- II. REVIEW & ADOPTION OF AGENDA & APRIL MINUTES**
- III. OLD / NEW BUSINESS**
 - a. Discussion and resolution of JCC requirements pursuant to IC 25-1-16-8
 - b. Assessment framework for board recommendations
 - i. Adoption
 - ii. Discussion for each board
- IV. CONCLUDING DISCUSSION BY THE COMMITTEE**
- V. ADJOURNMENT**

**NEXT SCHEDULED MEETING
June 17, 2015
at 1:00 PM
Indiana Government Center-South
402 West Washington Street, Room W064
Indianapolis, IN 46204**

JOBS CREATION COMMITTEE

Wednesday, June 17, 2015
at 1:00 PM
in the Indiana Government Center-South
402 West Washington Street, Room W064
Indianapolis, IN 46204

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

II. REVIEW & ADOPTION OF AGENDA & JUNE 2ND MEETING MINUTES

III. OLD / NEW BUSINESS

- a. Discussion and resolution of JCC requirements pursuant to IC 25-1-16-8
- b. Annual Report
 - i. Final discussions for each board and subsequent licenses
 - ii. Adoption of report for submission

IV. SCHEDULING BOARD PRESENTATIONS FOR THE REST OF THE YEAR

V. CONCLUDING DISCUSSION BY THE COMMITTEE

VI. ADJOURNMENT

NEXT SCHEDULED MEETING

TBD
at 9:00 AM
Indiana Government Center-South
402 West Washington Street, Room W064
Indianapolis, IN 46204

Jobs Creation Committee

September 18, 2014 10 a.m.

Indiana Government South, W064

INCPAS Comments: Gary Bolinger, CAE, President & CEO, Indiana CPA Society

1. Introduction:

- Introduction and brief background: Gary Bolinger
- Indiana CPA Society overview:
 - 100 years of representing CPA profession in Indiana
 - Represent 8,000 CPAs in Indiana
 - Approximately 70 percent of licensees
 - Recognized as trusted business advisors, we have members in all segments of the business community: locally, nationally and internationally.

2. The Society was asked to provide information to address Part 4 of the committee's charge, which is stated in the legislation that created the committee, SEA 421, which is now PL 112-2014 as:

Part 4. An assessment of the effect of the CPA/Accounting profession on the state's economy, including consumers and businesses.*

Excerpt from: International Federation of Accountants® *IFAC Policy Position 1: Regulation of the Accountancy Profession, September 2011*

The Accountancy Profession:

“Members of the accountancy profession contribute to their communities in a wide variety of different roles, and within a range of different organizations. . Professional accountants work in, and contribute across, virtually all sectors of the economy, fulfilling diverse roles.

Professional accountants:

- *Contribute to the growth of individual companies, support and sustain non-profit organizations, and assist governments in achieving their economic and social objectives; and*
- *Promote financial market performance, through the reporting of, and providing assurance on, financial information on which investors and other stakeholders rely in making resource-allocation decisions.*

In these ways and others, professional accountants contribute to the growth of economies and ultimately to the well- being of society.”

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Additional excerpt from a report on US Accounting Services published in March of this year.

“Firms in the accounting profession are certified to audit the accounting records of public and private organizations and to attest to compliance with generally accepted accounting practices. Certified public accountants (CPAs) provide a variety of accounting services, including auditing accounting records, designing accounting systems, preparing financial statements, developing budgets and providing advice on matters related to accounting.” IBISWorld.com

- With the majority of Society members in public accounting and approximately 36 percent of membership holding positions in industry, government and education, CPAs effect countless business decisions being made in Indiana and beyond every day. They contribute immeasurably to the economic success of the state, the country and Indiana citizens.
- For more than 100 years the profession has provided essential services to both individuals and companies of all sectors and sizes in support of a system of voluntary tax compliance at the federal and state level.
- Additional statistics and information is available.

3. Part 5 of the committee’s charge includes:

Part 5. Any recommendations for legislation, including whether: *

- *The regulation of CPAs should be modified*
 - The Society does not have specific recommendations for modification at this time. INCPAS supports the profession and regulators continuously assessing potential modifications, but caution that Indiana should remain consistent with other states to prevent unintended consequences that could negatively affect Indiana’s licensees.
- *The board should be combined with another board; or*
 - The Society does not support the “super board” model where multiple licensed professions are overseen by one large board made up of directors from various professions.
 - The CPA profession is complex, technical and highly regulated at all levels. CPAs are held to numerous sets of complex standards and ethics code that require specialized understanding to properly regulate the profession.
- *The board or the regulation of the profession should be terminated*
 - It is in the best interest of the public for the regulatory board to understand the profession and have appropriate disciplinary authority to enforce the rules and regulations pertaining to the profession.
- *A license should be eliminated; or*
 - Given the profession’s responsibility to the public, it should not be eliminated. Following the discovery of the ENRON scandal in 2001, CPAs and firms conducting audits for

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public companies were under increased scrutiny. They are required to be licensed under the accounting and auditing standards established by the Sarbanes-Oxley Act, which was enacted in 2002. (Public Law 107-204., 107th Congress)

- *Multiple licenses should be consolidated into a single license*
 - Prior to 2007, Indiana had multiple licenses for accounting professionals: Certified Public Accountant, Public Accountant and Accounting Practitioner. Effective July 1, 2007, the AP and PA classes of accounting licenses were discontinued and existing licensees were grand-fathered in the statute. (IC 25-2.1-6-4.5).
 - The Society supports licensing of CPAs and opposes licensure of any other than this class. (INCPAS Board policy: Section 9 adopted 8/3/88 and subsequently revised in 2005 and 2006)

4. Provide additional background: why profession should be regulated:

- Certification: the 3 E's
Certification across the country generally requires the 3 E's: Education, Exam and Experience
- Professional Development/Competence
 - CPE
 - Competency
- Enforcement
 - Peer Review – why it is important?
 - **IC 25-2.1-5-8 Rules requiring peer review before renewal**
 - Administering entity for Peer Review – Society's role
 - **872 IAC 1-6-8 Responsibilities of administering entity**
 - Mobility – Ability to move freely and easily
 - Allows CPAs and firms to have practice privileges outside of domicile state with “no notice, no fee, and no escape.” Indiana added mobility in 2007.
 - Individuals

5. For the committee's consideration:

- Example: Firm permit clarification issue
 - Clarify existing law and change rule to be consistent
 - Or require individuals to have peer review
 - Statutes interpreted as individual or firm but rules make it unclear as it only references firms-confusing to some in their interpretation

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- **IC 25-2.1-1-7 "Firm"**

Sec. 7. "Firm" means a proprietorship, a general business corporation, a professional corporation, a limited liability company, a partnership, or other form of legal entity issued a permit under IC 25-2.1-5 or a registration under IC 25-2.1-6.

As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.9

- **IC 25-2.1-1-8.7 "Peer Review"**

Sec. 8.7. (a) "Peer review" means a study, an appraisal, or a review of at least one (1) aspect of the professional work of:

(1) an individual who; or

(2) a firm in the practice of accountancy that;

attests or issues compilation reports, by at least one (1) individual who holds a certificate from any state and possesses qualifications that meet the applicable substantial equivalency standards and who is independent of the individual or firm being reviewed. The term includes any part of a quality review conducted before July 1, 2012, that becomes part of a peer review conducted or peer review report issued after June 30, 2012.

(b) After June 30, 2012, any reference in any law, rule, or other document to "quality review" as that term was applied under this article before July 1, 2012, shall be treated as a reference to peer review.

As added by P.L.197-2011, SEC.75.

- **IC 25-2.1-12-3.5 Attest services performance prohibited**

Sec. 3.5. A holder of a CPA or PA certificate issued under this article may not perform attest services except through a firm that holds a valid permit under IC 25-2.1-5.

As added by P.L.128-2001, SEC.43.

- **872 IAC 1-6-1 Applicability**

Authority: IC 25-2.1

Affected: IC 25-2.1-5; IC 25-2.1-6

Sec. 1. (a) This rule establishes a peer review program for CPA and PA firms issued a permit under IC 25-2.1-5.

- Board of Accountancy has interpreted definition of firm to mean that even sole practitioners need a firm permit
- Would save administrative time and resources to provide clarity
- Proposed legislation in 2014 offered a potential fix. There is still a need for clarification to reduce confusion.
- Should Jobs Creation Committee have a recommendation?

6. *Part 6: Any recommendations for administrative changes*

- Consider private sector support for administrative functions of IPLA

APPENDIX IV – *JCC Handouts – Indiana Board of Accountancy*

- There is a duplication of administrative functions between Society membership and state licensing offering potential for streamlining. Possibly through outsourcing/privatizing some administrative functions:
 - Database
 - Society's is more accurate and better maintained
 - Licensees have to submit much of the same information to both
 - Creating frustration in the marketplace and in some cases confusion on roles
 - Examples of successful partnering programs include: CPE audit, draft rules, peer review, competency-based pilot program
 - CPE audits
 - INCPAS has provided member resources and volunteers for CPE audits; allowing state resources to be utilized in other areas
 - Could create the potential to audit close to 100 percent of active licensees (assuming it would be allowed by law)
 - Could explore innovative ideas such as "real time" audits
- Opportunity for Indiana to lead profession through innovative ideas
 - Example: Competency based pilot program
 - What it is and why
- Create a new model for professional development:
 - Develop education at all levels that recognize the use of technology and new learning methodology
 - Increased complexity demands new methods for professionals to maintain and enhance competency
- Establish a regulatory framework for new professional development model, such as a competency based system for license renewal.
- Enforcement fund (IC 25-2.1-8-4) (PL 190-2007 Established fund)
 - The Indiana CPA Society has concerns about the enforcement funds use
 - Licensees/profession supported the creation of the enforcement fund because the profession felt there was a need to protect the public and preserve the integrity of the profession.
 - The funds are dedicated and funded by the additional license fee of \$30/cycle
 - There is a need and defined role for the compliance position and the funds should be utilized to support the compliance position and administrative functions related to compliance issues. (IC 25-2.1-9-2)

7. Questions/Discussions/Closing remarks:

- The Indiana CPA Society and its members proudly represent CPAs in Indiana with the highest level of professionalism, competence, and ethical standards. The Society thanks members of the Jobs Creation Committee for the opportunity to provide this information.

Reference: SEA 421: PL 112-2014

***IC 25-1-16-8**

Review and evaluation of regulated occupations and boards; report

Sec. 8. (a) The committee shall review and evaluate each regulated occupation and board. The review and evaluation must include the following:

- (1) The functions, powers, and duties of the regulated occupation and the board, including any functions, powers, or duties that are inconsistent with current or projected practice of the occupation.
- (2) An assessment of the management efficiency of the board.
- (3) An assessment of the regulated occupation's and the board's ability to meet the objectives of the general assembly in licensing the regulated occupation.
- (4) An assessment of the necessity, burden, and alternatives to the licenses issued by the board.
- (5) An assessment of the fees that the board charges for licenses.


(6) Any other criteria identified by the committee.

(b) The committee shall prepare a report concerning each regulated occupation and board that the committee reviews and evaluates. The report must contain the following:

- (1) The number of individuals who are licensed in the regulated occupation.
- (2) A summary of the board's functions and actions.
- (3) The budget and other fiscal factors of regulating the regulated occupation, including the actual cost of administering license applications, renewals, and issuing licenses.
- (4) An assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.
- (5) Any recommendations for legislation, including whether:
 - (A) the regulation of a regulated occupation should be modified;
 - (B) the board should be combined with another board;
 - (C) whether the board or the regulation of the regulated occupation should be terminated;
 - (D) whether a license should be eliminated; or
 - (E) whether multiple licenses should be consolidated into a single license.
- (6) Any recommendations for administrative changes.
- (7) Information that supports the committee's recommendations.

(c) This section does not apply to fees that support dedicated funds. After the committee has reviewed and evaluated a regulated occupation and board, the committee shall provide the agency and the board that is the subject of the committee's evaluation with recommendations for fees that the board should charge for application fees, renewal fees, and fees to issue licenses. The recommendation for fees must comply with the requirements under IC 25-1-8-2. However, the recommendation must not exceed the lesser of either one hundred dollars (\$100) or the actual administrative cost to process the application or renew or issue the license.




[*\(IC 25-1-16-8\)](#)



Office of the Indiana Attorney General
Consumer Protection Division


IndianaConsumer.com

Indiana Board of Accountancy



Paul Schilling
Deputy Attorney General
Home Owner's Protection Unit

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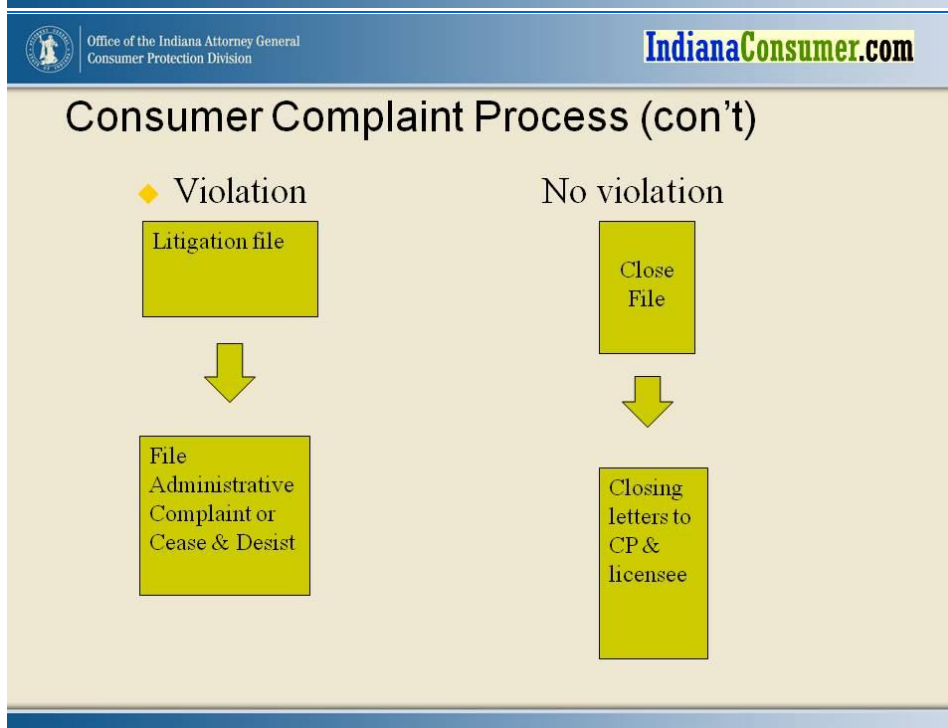
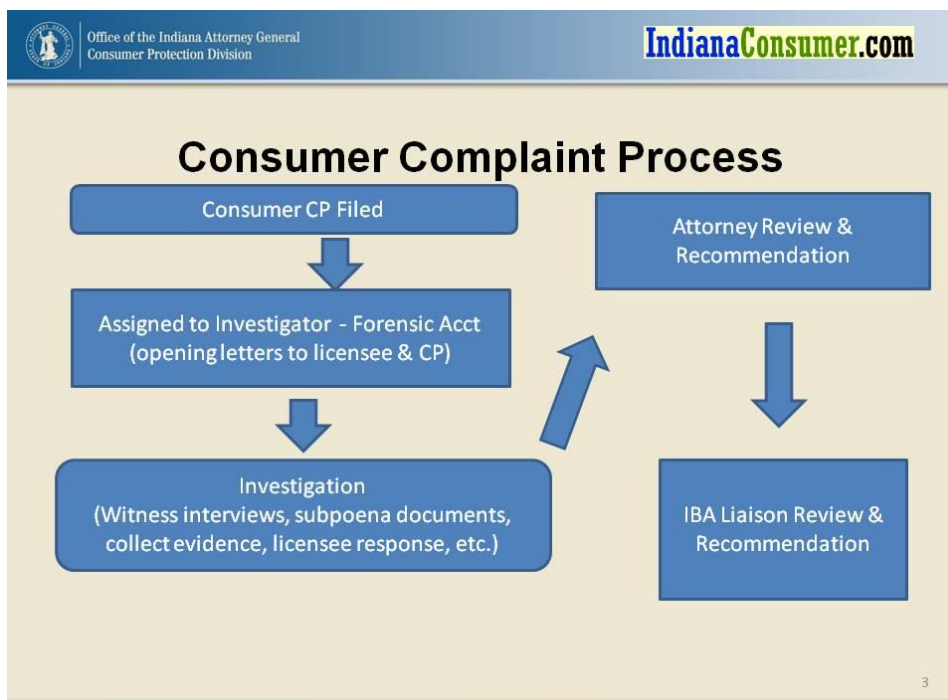


Office of the Indiana Attorney General
Consumer Protection Division

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Licensing Enforcement & Homeowner Protection Unit

- Licensing Actions
- CPAs, Public Accounting Firms, Accounting Practitioner
- Can file motion for cease & desist order against someone who is practicing without a license





Litigation Process

- Settlement Conference
 - Informal / confidential
 - With OAG & IBA Liaison
 - Licensee can present evidence
 - OAG (with liaison input) may make settlement offer
 - Licensee can accept or decline
 - If declined = hearing



5



Litigation Process (con't)

- Licensing Action Before IBA
 - Formal hearing
 - Sworn testimony
 - OAG representing State
 - Both sides present evidence
 - Board can question licensee & witnesses
 - Sanctions & discipline determined by Board



6



Sanctions

Ind. Code 25-1-11-12

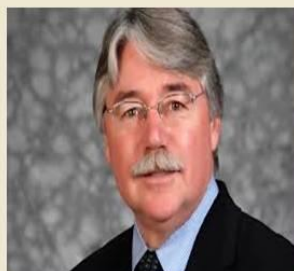
- Revocation
- Suspension (X period of time; other conditions (fines, CE courses, restitution, civil penalties)
- Probation (X period of time; other conditions)
- LOR
- Public Censure
- Civil penalties of \$1,000 per count / violation



By the numbers

| Year | Consumer Complaints |
|------|---------------------|
| 2009 | 40 |
| 2010 | 28 |
| 2011 | 24 |
| 2012 | 35 |
| 2013 | 29 |
| 2014 | 19 |

Currently 16 open cp files

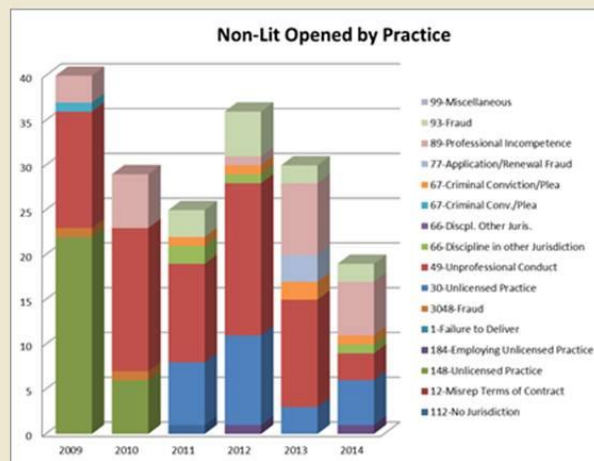




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Consumer Protection Division

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Types of consumer files



Office of the Indiana Attorney General
Consumer Protection Division

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By the Numbers - Administrative Cases

| Action Taken | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 |
|----------------|------|------|------|------|------|------|
| Admin CP | 6 | 4 | 4 | 11 | 4 | 8 |
| Cease & Desist | 3 | 3 | 2 | 6 | 2 | 1 |
| Total | 9 | 7 | 6 | 17 | 6 | 9 |



5 most common complaints

- 1. Unlicensed practice (failed peer review)
- 2. discipline in another jurisdiction
- 3. professional incompetence
(AICPA or other rule violations; failure to provide client files, etc.)
- 4. criminal conviction
- 5. advertising



Questions?



INASLA Jobs Creation Committee Presentation

October 16, 2014

INASLA

The Indiana Chapter of the American Society of Landscape Architects (INASLA) is a non-profit organization consisting of nearly 200 members. The INASLA Executive Committee is comprised solely of volunteers.

The members and associates of the Indiana Chapter of the American Society of Landscape Architects believe in contributing to our communities and profession as leaders in the field of landscape architecture; to lead, to educate and to participate in the careful stewardship, wise planning, and artful design of our cultural and natural environments.

The chapter's activities include: advocacy for the profession, continuing education offerings throughout the state, professional and student design awards program, student academic awards program for Purdue University and Ball State University's Landscape Architecture programs, annual conference and expo, golf outing, holiday party, and other social networking events.

What Landscape Architects Do

Landscape Architects plan livable communities that foster active lifestyles, design green streets that manage stormwater runoff, plan cutting-edge transportation corridors that are safe for all users, and help communities prepare for and recover from natural disasters. Landscape architecture encompasses the analysis, planning, design, management, and stewardship of the natural and built environment through science and design.

See the attached PDFs for more information and visit <http://www.asla.org/design/index.html> for more information.

Path to Licensure

Landscape Architects in Indiana must be licensed before they can practice landscape architecture or call themselves a Landscape Architect.

The three steps to becoming licensed include:

Education:

The Landscape Architectural Accreditation Board (LAAB) accredits bachelor and master level programs at 68 institutions across the United States. Purdue University and Ball State University are LAAB accredited.

Experience:

Candidates are required to obtain a minimum of three years of experience working under a licensed landscape architect, prior to licensure.

Examination:

Candidates are required to pass the four-part Landscape Architect Registration Examination (LARE). The Council of Landscape Architectural Registration Board (CLARB) administers and grades this exam. Skills tested include: project development; site suitability; stormwater management; erosion control;

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hydrology; and irrigation. Candidates also must demonstrate competence in such areas as: layout of playground equipment; vehicular and pedestrian circulation; roadway alignment design; site lighting layouts; manipulation of contours and spot elevations; calculation of slopes, grades, and volumes of material; design of surface and subsurface storm drainage, including hydraulic characteristics and storm drain connections; and site planning for buildings.

The four sections of the LARE include:

1. Project and Construction Management
2. Inventory and Analysis
3. Design
4. Grading, Drainage and Construction Documentation

Continuing Education:

Once licensed, Landscape Architects in Indiana are required to obtain 24 continuing education units (CEUs) every two years in order to maintain their licensure. 16 of the 24 CEUs must fall under the health, safety, and welfare criteria.

Economic Impact

Landscape Architects bring more to the state's economy than the traditional 'curb appeal' that is typically associated with landscapes. As with architecture, landscape architecture is the leading edge of the construction industry. With projects ranging from community planning and design, to transportation planning, to park and recreation design, landscape architects plan much of the built environment.

Following are a few points relating specifically to economics tied to transportation issues, especially pedestrian/bicycle infrastructure:

Communities with walkable streets and sidewalks have higher real estate values. A recent study, *Walking the Walk: How Walkability Raises Home Values in U.S. Cities*, showed that houses with the above average levels of walkability command a premium of about \$4,000 - \$34,000 over houses with just average levels of walkability.

Bicycle and pedestrian projects are helping provide economic development to local economies as well as state-wide economies. For example, the state of New Jersey recently calculated that in total, active transportation-related infrastructure, businesses, and events were estimated to have contributed \$497.46 million to the New Jersey economy in 2011, which was nearly eight times the estimated \$63 million invested in infrastructure that year.

Active transportation projects create jobs: A study conducted by the Political Economy Research Institute found that for each \$1 million spent on bike lanes, approximately 14 jobs are created. Compare this to \$1 million spent on road repair work that generated about 7 jobs.

Increasingly, small towns and rural communities need more bicycle and walking projects. Between 6.9 percent – 9.6 percent of all trips are made by biking and walking. A recent study, *Active Transportation Beyond Urban Centers: Walking and Biking in Small Towns and Rural America*, demonstrates that rural

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communities increasingly want more walkable and bicycle-friendly communities to attract businesses and tourism and attract and retain much-needed workers.

The average salary for landscape architecture professionals is \$71,100 according to a 2010 national survey by the American Society of Landscape Architects (ASLA). The average salary for licensed landscape architects is \$77,700 – representing 73 percent of all respondents. The average salary of those without a license is \$52,700.

The biennial fee for a landscape architect license is consistent with the national average. The national average is \$110.

Why is licensure for Landscape Architects important?

All 50 states have recognized that regulation of landscape architecture is necessary to protect the public health, safety, and welfare. All but three states regulate the profession through a practice act. The remaining three states have enacted title act statutes. A practice act is important because of the real danger to clients and the users of these public and private spaces: physical injury, property damage, and financial ruin. Without regulation, landscape architects in Indiana may have difficulty in successfully bidding for work, as projects will likely be awarded to professionals that hold licenses, proving to the client that they are capable of such work.



AIA Indiana

A Chapter of the American Institute of Architects

AIA INDIANA JOB CREATION COMMITTEE PRESENTATION

October 16, 2014

AIA INDIANA

The American Institute of Architects [AIA] is the national voice of the architecture profession dedicated to: serve its members; advance their value; and improve the quality of the built environment while protecting the health, safety, and welfare of the public.

The American Institute of Architects [AIA Indiana Chapter] is a non-profit professional association representing the interests of and providing services to nearly 700 Hoosier architects.

The Chapter's programs and activities have a statewide focus. Services include: monitoring legislative issues and government regulations; professional development and educational seminars; design assistance teams to further community planning and development; annual convention and trade fair; design and service award programs; and support of Ball State and Notre Dame Universities Colleges of Architecture.

WHAT ARCHITECTS DO – video- <https://www.youtube.com/watch?v=HTudH-4BysA>

PATH TO LICENSURE - Architects must be licensed before they can practice architecture or call themselves an architect. There are four main steps to becoming an architect.

Education

To become licensed, candidates must earn a professional degree in architecture from one of the more than 100 schools of architecture that have degree programs accredited by the National Architectural Accrediting Board (NAAB). *(BSU and ND are NAAB accredited)*

Internship

Architecture graduates must complete an internship in order to become licensed. The Intern Development Program (IDP) is a comprehensive training program created to ensure that interns in the architecture profession gain the knowledge and skills required for the independent practice of architecture.

AIA Indiana, Jason Shelley, Executive Director
115 W. Washington St., Suite 955 South, Indianapolis, IN 46204
(317) 634-6993
www.aiaindiana.org • jshelley@aiaindiana.org

Most new graduates complete their training period by working as interns at architectural firms. Interns in architectural firms assist in the design of projects, help prepare architectural documents or drawings, build physical and digital models, or prepare construction drawings on CADD. Interns also research building codes and materials or write specifications for building materials, installation criteria, the quality of finishes, and other related details. Interns also are exposed to the management of projects and business as well as contracting for services.

Examination

All 50 states and US territories require the completion of the Architect Registration Examination (ARE). The examination is broken into seven divisions (Construction Documents & Services; Programming, Planning & Practice; Site Planning & Design; Building Design & Construction Systems; Structural Systems; Building Systems; Schematic Design). No single examination can test for competency in all aspects of architecture, which is why the ARE is not the only requirement to become a licensed architect. The ARE concentrates on those services that most affect the public health, safety, and welfare. The ARE has been developed with specific concern for its fidelity to the practice of architecture; that is, its content relates to the actual tasks an architect encounters in practice.

Licensure

All 50 states and US territories require individuals to be licensed (registered) in their specific state before they may call themselves architects and contract to provide architectural services. Once licensed, continuing education is required to maintain a license. Indiana requires 24 Continuing Education Units (CEU's) every two years, 16 of the 24 CEU's must be health, safety, and welfare education (HSW).

ECONOMIC IMPACT

The health of the economy is tied to the building sector. When the building sector expands it positively impacts every other U.S. sector and industry. Virtually every U.S. industry – from steel, concrete, insulation, mechanical and electrical equipment, solar systems, glass, wood, metals, tile, fabrics, engineering, banking, development, real estate, manufacturing, construction, wholesale, retail and distribution – depends on the demand for products and services generated by the construction industry.

Architecture is the leading edge of the construction industry that accounts for one in nine dollars of Gross Domestic Product. Every \$1 million invested in building design and construction yields 28.5 full-time jobs. When a client hires an architect, 30 additional jobs are created to build what the architects design.

Architecture is a small business profession: more than 97 percent of architecture firms employ 50 or fewer people. Many are sole practitioners.

Average salaries at firms range from around \$150,000 for firm leaders to \$40,000 for new hires. Most firms offer a salary increase to employees when they become licensed.

AIA Indiana, Jason Shelley, Executive Director
115 W. Washington St., Suite 955 South, Indianapolis, IN 46204
(317) 634-6993
www.aiaindiana.org • jshelley@aiaindiana.org

WHY IS LICENSURE IMPORTANT?

Licensure is a formal recognition that an individual has demonstrated sufficient knowledge, skill and ability to practice the profession without endangering the health, safety and welfare of the public. Licensure is required in all 50 states and US territories.

The licensure of architects and landscape architects is based on a national licensing model which is integrally related to educational standards as defined and accredited by NAAB/LAAB, minimum levels of work experience (Intern Development Program) as determined by NCARB/CLARB, and the completion and passing of testing parameters (Architect Registration Examination) set by NCARB/CLARB. However, none of these agencies is involved in the granting of licenses to individuals, but serve mainly as the repository of information about candidates seeking licensure and professionals granted licenses by the individual States. The Indiana Board of Licensure for Architects and Landscape Architects is served by these organizations in the licensing of both professions. State licensing rules and statutes are based upon this relationship and unilateral changing would cause undo hardships for those practicing architecture and landscape architecture in the State of Indiana. The State has greatly benefitted from this symbiotic relationship by greatly reduced administrative cost.

Again, the licensing of architects is vitally important to ensure the quality and safety of the built environment. The rigors of education and training that prepare someone to become an architect uniquely qualify them to anticipate and respond to the many needs and challenges facing humanity today (ADA issues, public health and safety, sustainability, etc.)

The public benefits most from individuals who resolve and are willing to be fully accountable through a professional commitment reflected in licensure. Supporting and expanding the universe of licensed architects is essential to the mission of the AIA. The “protection” we pursue is inextricably linked to the health, safety, welfare, and well-being of the clients and communities architects serve. For Hoosier licensed architects, there is no higher calling.

IMPROVEMENTS

More robust investigative efforts with fees and fines dedicated to enforcement and the Board authority to impose them. When there are no fines or they are of trivial amount, they serve no purpose in deterring architects from violating the law, leading to an attitude of no big deal even if you get caught.

Architects want a newly licensed ceremony to commemorate the momentous occasion and the effort required to attain it.

More authority for the board to pursue unlicensed practice of architecture. In many states that rite has been granted to the licensing boards.

AIA Indiana, Jason Shelley, Executive Director
115 W. Washington St., Suite 955 South, Indianapolis, IN 46204
(317) 634-6993
www.aiaindiana.org • jshelley@aiaindiana.org

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Fines dedicated to the investigative fund instead of the general fund.

More communication from the board/agency. For example, other states produce a newsletter that includes recent updates/news/fines/etc.

Architects want and crave solid enforcement!

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AIA Indiana

A Chapter of the American Institute of Architects

MEMORANDUM

To: Job Creation Committee Members

From: Jason Shelley, AIA Indiana Executive Director

Date: October 14, 2014

Re: State Regulation of Architects

AIA Indiana feels strongly the State has a need to license and regulate architects as the State is the only entity that provides the necessary assurance to the public that these professionals have the education and training necessary to competently design spaces. Also, but equally important is the need to protect consumers and ensure the competent and ethical practice of architecture in Indiana.

Licensed architects are needed to ensure built spaces in Indiana are safe for human use. By affixing their seal to a design, architects ensure their plans comply with building and accessibility codes and that the plans are ready for regulatory approval or construction. Competent design of a space is essential to the health, safety, and welfare of the public.

All 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands currently regulate the practice of architecture and require individuals to be licensed before they may call themselves architects or contract to provide architectural services. If Indiana did not provide regulation for architects, these professionals would be at a disadvantage compared to their counterparts in other states. Outside of state licensure, no other form of certification currently exists to distinguish architects. The national organizations of state boards that set standards for education, experience, and examination for architects do not provide certifications to non-licensed individuals.

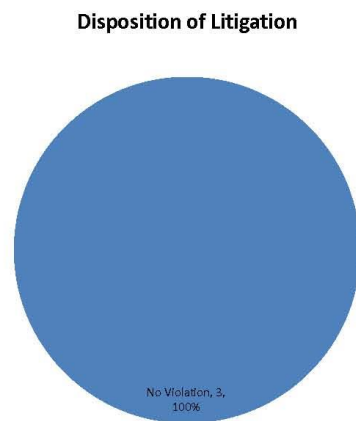
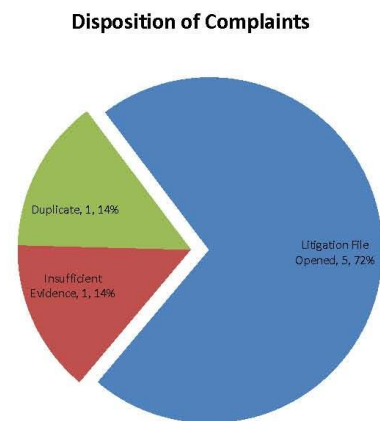
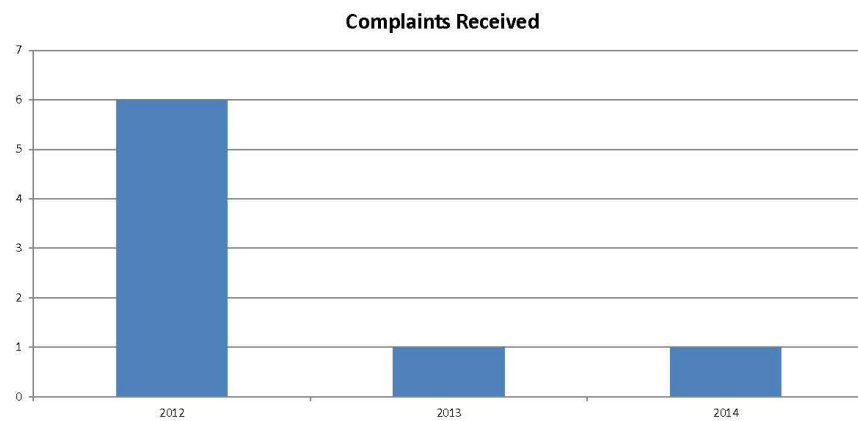
In sum, state regulation of architects exists to protect the public from risks to its health, safety, and welfare. This regulation is necessary because the architecture profession directly affects public health. State regulation assures public protection by licensing those deemed competent to practice the profession, ensuring that licensed professionals maintain their credentials and receive ongoing education, and enforcing against those who violate statute or rules governing professional practice.

Do not hesitate to contact me if you have any questions or concerns.

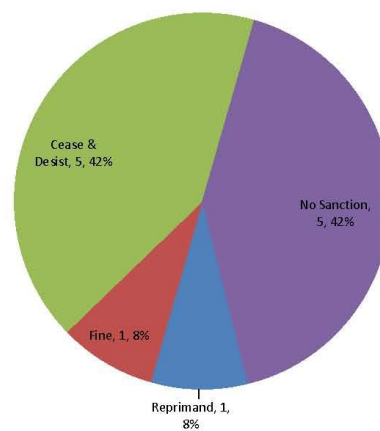
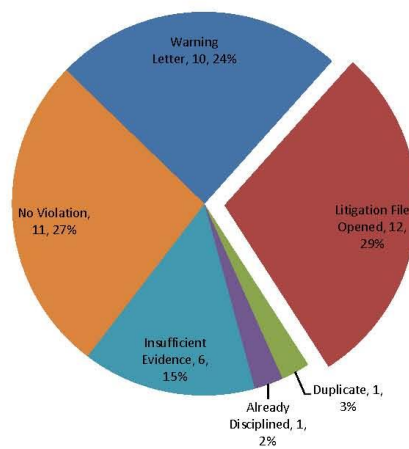
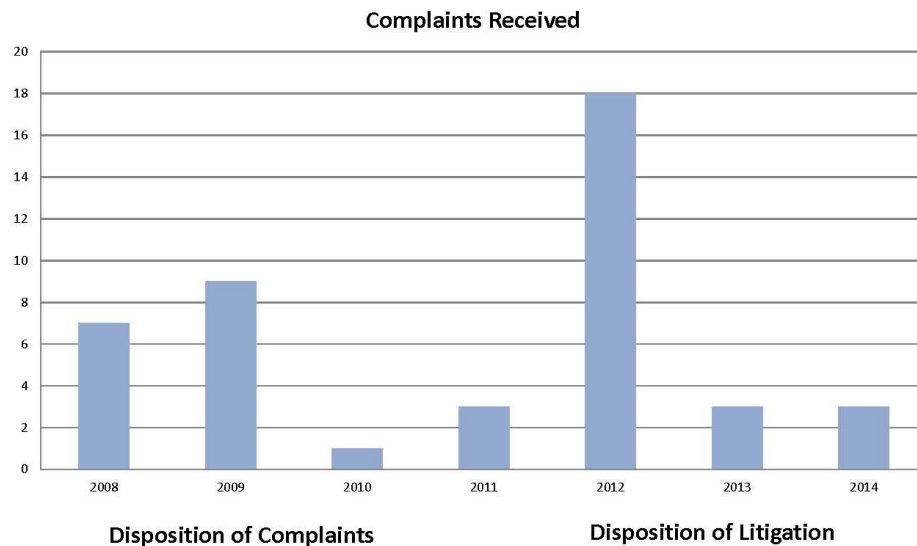
Thank you for your service.

AIA Indiana, Jason Shelley, Executive Director
115 W. Washington St., Suite 955 South, Indianapolis, IN 46204
Phone (317) 634-6993
www.aiaindiana.org • jshelley@aiaindiana.org

**Landscape Architects Licensing Enforcement
2008 to 2014**



Architects Licensing Enforcement 2008 to 2014



JOBS CREATION COMMITTEE

OCTOBER 16, 2014

Speaking for the Indiana Chapter of American Society of Home Inspectors (INASHI)

President, Danny L Maynard, past national president of ASHI, former chair and member of the HILB

- Short history of home inspectors license
- Consumer Protection is the direct result of licensing of Home Inspectors. Those protected are: home buyers, home sellers, realtors and home inspectors.

The attorney general reports that he is initiating legislation to tighten up protection on home improvement fraud.

- Benefits of Home Inspector licensing

Standards of Practice

Code of Ethics

Report writing standards

Pre-licensing training

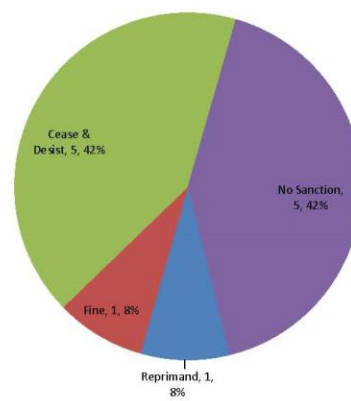
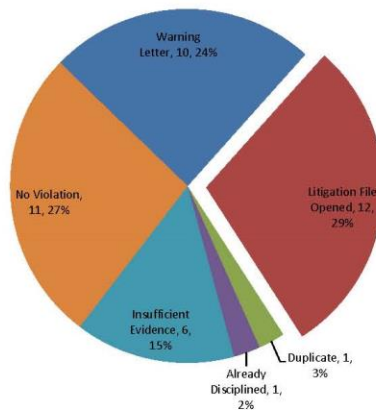
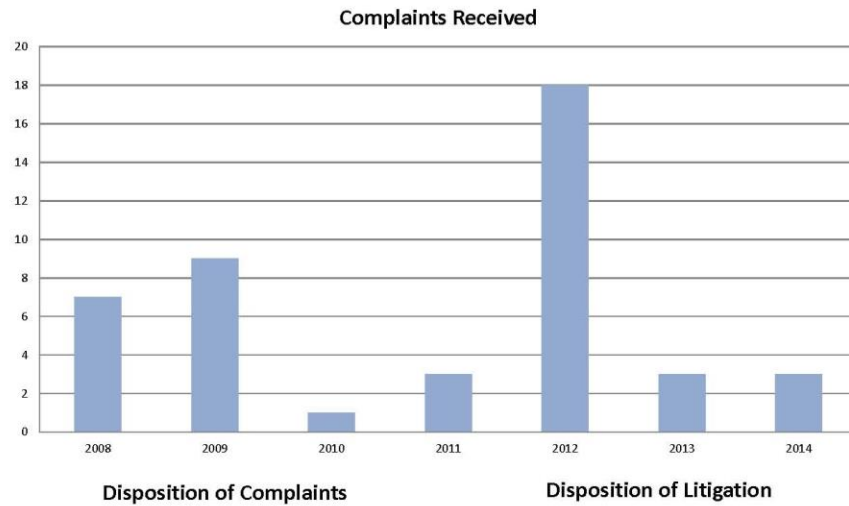
Competency testing prior to licensing

Registration and approval of pre licensing trainers.

Continuing Education requirements and approval

- Licensing has a positive economic affect on Indiana
 - License pays for itself
 - Low complaints on Inspectors
- Licensing has a positive economic affect on Consumers
 - Purchasers get defective items and safety items repaired before purchase by sellers.
- Possible changes in the rules
 - Increase the percentage of CE audits
 - Establishing a Uniform Inspection report.
- Possible termination of license
 - Replacing licensing with an association certification will not work.
 - Raises a lot of 'Whos'
- Administrative changes
 - Publish minutes timely
 - Maintain web site
 - Create newsletter from the board and IPLA to licensees.

Home Inspector Licensing Enforcement 2008 to 2014





Presentation to Job Creation Committee

15 January 2015

Scott S. Haraburda, PhD, PE, F.NSPE
President, ISPE

Agenda

- Engineering Failures
- History of PE Licensure
- Purpose of PE Licensure
- Licensure vs. Certification
- Benefits of PE Licensure
- Indiana Society of Professional Engineers

Engineering Failures

| Date | Failure | Impact |
|----------------------------|-----------------------------------|--|
| 29 Aug 1907 11 Sep 1916 | Quebec Bridge Two Collapses | - 75 killed, 11 injured. - 13 killed. |
| 15 Jan 1919 | Boston Molasses Disaster | - 21 killed, 150 injured |
| 20 Oct 1944 | Cleveland East Ohio Gas Explosion | - 130 killed, 79 houses destroyed |
| 5 Jun 1976 | Teton Dam Collapse | - 14 killed, >\$1 billion |
| 17 Jul 1981 | Hyatt Regency Bridge Collapse | - 114 killed, >200 injured |
| 2 Dec 1984 | Bhopal Disaster | - 3,800+ killed, >0.5 mil injured |
| 26 Apr 1986 | Chernobyl Nuc Pwr Plant Accident | - >20 killed, >0.5 million injured |
| 1 Aug 2007 | Minneapolis I-35W Bridge Collapse | - 13 killed, 145 injured |

<http://www.thecanadianencyclopedia.ca/en/article/quebec-bridge-disaster-feature/>
<http://www.scientificamerican.com/article/molasses-flood-physics-science/>
<http://ech.cwru.edu/ech/cgi/article.pl?id=EOGCEAF>
http://www.geol.ucsb.edu/faculty/sylvester/Teton_Dam/welcome_dam.html
<http://www.engineering.com/Library/ArticlesPage/tabid/85/ArticleID/175/Hyatt-Regency-Walkway-Collapse.aspx>
<http://www.ehjournal.net/content/4/1/6>
<http://www.nrc.gov/reading-rm/doc-collections/fact-sheets/chernobyl-bg.html>
<http://www.dot.state.mn.us/i35w/bridge/>

Engineering Failures - Causes

A 1976 study conducted at the Swiss federal Institute of technology in Zurich analyzed 800 cases of structural failure in which 504 people were killed, 592 people injured, and millions of dollars of damage incurred. When engineers were at fault, the researchers classified the causes of failure as follows:

| | |
|---|-----|
| Insufficient knowledge | 36% |
| Underestimation of influence | 16% |
| Ignorance, carelessness, negligence | 14% |
| Forgetfulness, error | 13% |
| Relying upon others without sufficient control .. | 9% |
| Objectively unknown situation | 7% |
| Unprecise definition of responsibilities | 1% |
| Choice of bad quality | 1% |
| Other | 3% |

M. Matousek and Schneider, J., (1976) Untersuchungen Zur Struktur des Zicherheitproblems bei Bauwerken, Institut für Baustatik und Konstruktion der ETH Zürich, Bericht No. 59, ETH. [www.matscieng.sunysb.edu/disaster]

History of PE Licensure

- 1907 Wyoming passes the first engineering registration law.
- 1922 The American Association of Engineers (which later became the National Society of Professional Engineers) put forth a platform for engineering that included the "*passage of an engineers registration law in every state and the enforcement of existing registration laws.*"
- 1934 The National Society of Professional Engineers is formed, with the membership requirement of being a professional, licensed engineer. At the time, only 28 states had engineering registration laws enacted.
- 1940 Between 1935 and 1940, 17 additional states, including Indiana in 1935, adopted engineering registration laws, partly through the efforts of NSPE members.
- 1947 Montana is the last state to enact engineering licensure laws.

www.indspe.org

A century ago, anyone could work as an engineer without proof of competency. In order to protect the public health, safety, and welfare, the first engineering licensure law was enacted in 1907 in Wyoming.

Now every state regulates the practice of engineering to ensure public safety by granting only Professional Engineers (PEs) the authority to sign and seal engineering plans and offer their services to the public.

Purpose of PE Licensure

- Protect public from incompetence & misconduct.
- Requires demonstration of minimum competence.
- Require completion of:
 - An educational degree in a particular area of study,
 - A sufficient period of experience acceptable to the licensing board, and
 - Successful completion of written examinations.
- Issued for a specific period of time and renewed.
- Engineers must adapt to rapidly changing world.
- State boards seeking more authority to impose penalties upon non-licensed engineers.

Licenses are employed by governments, usually states, to regulate the practice of many professions to protect the public from incompetence and misconduct of practitioners. Obtaining a license is a privilege. It is not an individual's right and requires a demonstration of minimum competence. Licenses for engineers and some allied professionals are issued by specific boards appointed by states and territories of the United States.

They require completion of an educational degree in a particular area of study, a sufficient period of experience acceptable to the licensing board, and successful completion of written examinations. To become licensed, engineers must complete a four-year college degree, work under a Professional Engineer for at least four years, pass two intensive competency exams and earn a license from their state's licensure board.

Such licenses are state-specific, i.e., individuals must be licensed by each jurisdiction in which they wish to practice. Also, licenses are issued for a specific period of time and must be renewed periodically. Most jurisdictions require evidence of continuing professional development and learning as a condition for license renewal. Then, to retain their licenses, PEs must continually maintain and improve their skills throughout their careers.

Engineers must adapt to a rapidly changing workplace-restructuring, downsizing, outsourcing, privatization, and re-engineering. Engineers should prepare to make the transition into a consulting relationship with former employers and clients in the event of a corporate outsourcing and respond if their corporation decides to bring design and engineering services in-house. Only by becoming licensed can an engineer perform the

APPENDIX IV – JCC Handouts – State Board of Registration for Professional Engineers

broad scope of engineering services within an area of competence as defined under state law.

State engineering boards are increasingly seeking and obtaining the authority to impose civil penalties against unlicensed individuals who unlawfully engage in the practice of engineering.

Licensure vs. Certification

- Licenses and accredited certifications are granted using similar credentialing practices.
- Licensure is required to offer services to the public, while certification is not required.
- License covers a broad body of knowledge, while certification is limited to a specialty more constrained in scope.

Licenses and accredited certifications are granted using similar credentialing practices, i.e., they rely upon a prescribed education program, applicable experience of some duration and scope, and an examination of the individual's knowledge and judgment. Both ensure that the credentialed individual is minimally competent in the scope of the service regulated. Licenses are required for a professional to offer services to the public. Certifications are not required and do not grant authority to a professional to offer services to the public. A common perception is that licenses address minimum competency and that certifications attest to a higher competency. This perception is not correct. Generally, a license covers a broad body of knowledge and a certification is limited to a specialty more constrained in scope. For example, a person may be licensed as a professional engineer and certified as a forensic engineer or a water resources engineer. However, the body of knowledge for some certifications can be broad in scope; typically, this occurs when the certification is the only available credential for the area of practice.

Benefits of PE Licensure

- Mark of a professional.
- Demands extra competence and dedication.
- An enhanced public status.
- Is a legal requirement.
- Becoming more important for work in the government, education, construction, industry, and military areas.

Licensure, first of all, is the mark of a professional. The licensure process demands an extra measure of competence and dedication. While not all engineers find licensure mandatory for their chosen career paths, the PE initials after their names can provide many advantages. Employers in all disciplines indicate that they find licensed professional engineer employees to be more dedicated, with enhanced leadership and management skills. These employers look to licensure in evaluating the advancement potential of employees. Licensed engineers also achieve an enhanced status in the eyes of the public, which equates the engineer with professionals licensed in other fields. Licensure is an indicator of dedication to integrity, hard work, and creativity, and an assurance that the individual engineer has passed at least a minimum screen of competence. Of course, licensure is just a starting point for professional growth and development, and participation in professional activities is part of the ongoing activities of a true professional.

Licensure for individuals who wish to pursue a career as a consulting engineer or a private practitioner is not something that is merely desirable; it is a legal requirement for those who are in responsible charge of work, be they principals or employees. Only a licensed engineer may prepare, sign and seal, and submit engineering plans and drawings to a public authority for approval, or seal engineering work for public and private clients.

Licensure for engineers in government has become increasingly significant. Many federal, state, and municipal agencies require that certain governmental engineering positions, particularly those considered higher level and responsible positions, be filled only by licensed professional engineers. For those considering a career in education, many states

have been increasingly requiring that those individuals teaching engineering must be licensed. Exemptions to state laws are under attack, and in the future, those in education, as well as industry and government, may need to be licensed to practice. Also, licensure helps educators prepare students for their future in engineering. Many states require that individuals teaching engineering must also be licensed. Exemptions to state laws are under attack, and in the future, those in education, as well as industry and government, may need to be licensed to practice. Also, licensure helps educators prepare students for their future in engineering. With the growing complexity and the increasing diversity of modern construction processes and techniques, the engineer in construction must readily be able to communicate and exchange ideas and views with other licensed design engineers. For those pursuing careers in industry, licensure has recently taken on increased meaning with heightened public attention concerning product safety, environmental issues, and design defects. Employers have found it advantageous to identify to the courts and the public those employees who have met at least a minimum level of competence. Engineers in the military must have the credentials to stay with the service in the face of downsizing or to make the transition to the private sector. More and more with each passing day, government agencies, educational institutions and private industries are requiring that they hire and contract only with licensed professional engineers. This is a trend that is almost certain to continue in the future.

Just as the CPA defines the accountant, and a law license defines the lawyer, the PE license tells the public that you have mastered the critical elements of your profession. It demonstrates your commitment to the highest standards of engineering practice. It's also proof of your ability to offer engineering services directly to the public - something only a licensed PE can do.

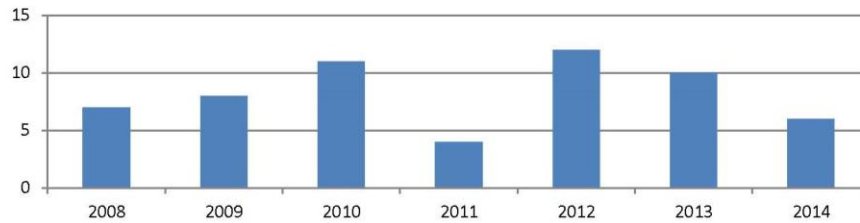
Indiana Society of Professional Engineers

Since June 4, 1937, ISPE has actively promoted and defended the professional interests of all engineering professionals throughout the State of Indiana, including its more than 13,000 licensed professional engineers. This organization helps in protecting the public, supporting engineering ethical conduct and professionalism, along with service to the public.

www.indspe.org

Engineers Licensing Enforcement 2008 to 2014

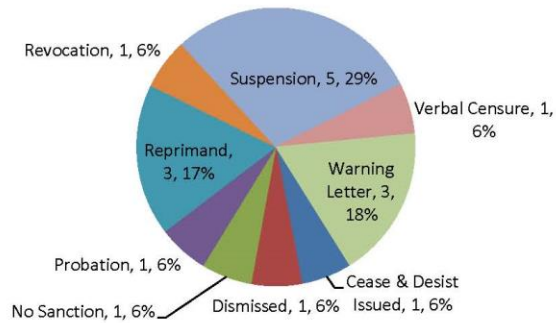
Complaints Received



Results of Investigations

| Alleged Violation | No Violation | Insufficient Evidence | Settled | Warning Letter | Litigation File Opened | Totals |
|----------------------------------|--------------|-----------------------|---------|----------------|------------------------|--------|
| Nonsanctionable Action | 1 | | | | | 1 |
| Unlicensed Practice | 2 | 3 | 3 | 13 | 3 | 24 |
| Application or Renewal Fraud | | | | | 2 | 2 |
| Discipline in Other Jurisdiction | | | | 1 | 3 | 4 |
| Fraud | | | | | 1 | 1 |
| Lewd or Immoral Conduct | | | | | 1 | 1 |
| Unprofessional Conduct | 10 | | | | 3 | 13 |
| Professional Incompetence | 2 | | | 2 | 2 | 6 |
| Totals | 15 | 3 | 3 | 16 | 15 | 52 |

Disposition of Litigation



**A Report on the Status of the Surveying Profession
from
the Indiana Society of Professional Land Surveyors
to
the Indiana Jobs Creation Committee**

January 15, 2015

Introduction

On behalf of the directors and members of the Indiana Society of Professional Land Surveyors (ISPLS), we thank you for this opportunity to share information on the importance of the surveying profession to the State of Indiana. Our hope is to convey that licensure of Professional Surveyors in Indiana is a necessity for ensuring the integrity of Hoosier landowners' property lines and for assuring that Indiana's investments in infrastructure - both public and private - are protected. Furthermore, we hope that this presentation will leave you with a clear understanding of the benefits to Hoosiers and the effectiveness of regulating and licensing Professional Surveyors.

Executive Summary

As explained in detail below, the ISPLS believes that the licensure of professional surveyors in Indiana is necessary for the continued growth and strength of Indiana's economy. The needs of public and private clients, lenders, and title companies, the demands of technology, the legal complexities of boundaries, and the demands of an intricate and interwoven national economy call for the assurance that licensure provides through its rigorous requirements for education, experience and examination.

The deregulation of the surveying profession in Indiana would result in negative consequences to the economy of the Hoosier State. The results of such an action would ignore the demands of the national market in regards to insurance (both title and professional liability), lending institutions and contractual requirements that are beyond the reach and control of the State of Indiana.

The deregulation of the surveying profession would not increase the number of surveying jobs in Indiana. It would in fact, *decrease* the number of surveying jobs in the state and open the Hoosier State to a virtual invasion by surveyors licensed in other states.

With a few minor modifications that are already being contemplated (and that are discussed below), the current structure of the Board and the Indiana Professional Licensing Agency supports the viability and integrity of the profession as it stands today.

What is ISPLS?

The Indiana Society of Professional Land Surveyors was established in 1954 – we are excited to be celebrating our 60th year. Our primary mission is to provide our membership with a professional identity, professional guidelines and direction, educational services and to promote the interests of the profession. The philosophy of ISPLS is to encourage all who are in the surveying profession to value professional ethics in thought and deed, to maintain competency in performance of duties, to insure trustworthiness, to provide quality in work, and to constantly protect the public interest.

The society currently has over 700 members, with more than 450 of those being Professional Surveyors that reside in Indiana and 75 Professional Surveyors that reside in other states.

The ISPLS leadership consists of 12 directors and a full time executive director. We maintain a full time office accessible to the public through the week and further, by maintaining an informative and user friendly web-site. The ISPLS Board of Directors meets ten times over the course of each year and continually includes participation by higher education institutions within Indiana.

The 12 directors consist of both private and public sector licensed professional surveyors collectively possessing experience and knowledge that parallels the cross section of Indiana's citizens. ISPLS maintains and invests in being accessible and useful; we see our service to our profession and the public as fundamental to our mission.

The History of the Surveying Profession in Indiana

Professional Surveyors have been regulated and licensed in Indiana since the 1930's. In the 1960's, the highly specialized nature of boundary surveying as separate and distinct from engineering was acknowledged and surveying licensure was completely separated from the practice of engineering at that time.

Because of the highly sophisticated technology regularly utilized by surveyors today, the complex legal issues related to boundaries, and the necessary reliance by the public on an appropriately educated, trained profession, today's Professional Surveyors are required to obtain at least an Associate's Degree including extensive and specific college-level surveying, math and science courses.

They are also required to work under the direction of another Professional Surveyor for a minimum of 4 years. For the last leg of the triad, Professional Surveyors are thoroughly tested through 16 hours of rigorous national exams and a state-specific exam.

Economic Impact of Licensure

Numbers are difficult to assimilate for several reasons¹, but ISPLS estimates that there are perhaps 2,000 persons directly employed as or by professional surveyors in the State of Indiana.

The average salary of a Professional Surveyor varies widely depending on a number of factors such as the size of firm they work for, the type of work they perform and where their businesses are located. Notwithstanding that, salaries likely range from perhaps an annual salary of \$50,000 for the practitioner with very small business or a junior Professional Surveyor, to perhaps \$100,000 for a very senior staff surveyor or survey manager in a large firm. The pay of survey technicians likewise varies for the same reasons, with annual incomes likely ranging from around \$25,000 for an entry-level office technician to over \$60,000 for a senior, experienced field technician.

Other than as explained in the paragraphs immediately following, licensure - or the lack thereof - does not have a direct impact on the amount of economic activity since the ‘drivers’ of economic activity that generate surveying work are not in the control of surveyors. Private developers, lenders, governmental entities and property owners are the initiators of activities that will require the services of professional surveyors; surveyors generally do not generate their own work, they are hired by others.

The small numbers of persons involved in surveying activities cited above are deceiving since every single public and private infrastructure project necessarily involves surveyors at the very beginning, often throughout the project, and typically at the end for as-built documentation purposes. In addition, conveyances of commercial property or property being purchased or financed for development nearly always involve a specialized type of boundary survey (the nationally-recognized ‘ALTA/ACSM Land Title Survey’) that lenders and title companies rely on to assess the risks involved in lending and insuring projects.

Why Licensure is Needed

Surveying licensure is important because it supports economic development in Indiana in many ways. Development, infrastructure and land conveyancing may be the most important economically because they are directly tied to a tremendous amount of related economic activity.

Contracts for surveying on infrastructure projects of any significant size require that the work be performed by licensed surveyors. Such contracts virtually always require that the survey provider carry professional liability insurance, which is generally not available unless the provider is a licensed surveyor. Similarly, lenders across the United States typically require that a Land Title Survey be performed as a condition of the mortgage on commercial or industrial property. Lenders universally require that such surveys be performed by licensed surveyors.

¹ Reasons include: (1) some aspects of surveying may also be practiced by professional engineers, (2) many surveying firms also employ engineers, and (3) many engineering firms employ surveyors only in support of their engineering projects.

Taking the above facts into account means that very significant economic activity related to development, infrastructure and property would grind to a halt in fairly short order without surveying licensure to assure lending institutions, title companies and clients that the work is being done by qualified, competent persons. It is not an exaggeration to say that if money and title insurance are not available, these activities will simply cease. Because these activities almost always reach across state lines in one manner or other, certification is not a substitute for licensure for the sophisticated clients involved in these sorts of activities.

Aside from those obvious issues, the entire land tenure system in Indiana (and every other state, for that matter) hinges on the professional surveyor. It is widely recognized that private property ownership is a cornerstone of a democratic society. Providing for the integrity of those property boundaries is a necessity and the surveyor is the only person educated, experienced and qualified to provide for that veracity. This is the primary reason that surveyors are licensed in all 50 states and have been for many decades.

The Impact of Surveying Licensure on Jobs

Aside from the negative impact not only on surveyors, but on the entire Indiana economy explained above, it would be a mistake to not add one more comment on the necessity of licensure as related to jobs in Indiana.

Deregulating the profession would open the flood gates wide to surveyors from surrounding and distant states who would cross into the Hoosier State seeking opportunities created by ending licensure. And they will most certainly find them! Entities as widely varying as lending institutions, title insurance companies, developers and municipal, county, state and federal clients all have guidelines requiring that surveys be performed by licensed individuals. Many, if not most clients require professional liability insurance on their projects - which will be available only to out-of-state licensed surveyors.

Furthermore, out-of-state surveyors will be the only ones who will be able to secure contracts on federal highway projects, U.S. Corps of Engineers projects, utility projects that cross state lines and the many other projects that require a licensed professional. Ultimately, Hoosier surveyors will find themselves out of a job because without licensure, they will not be able to meet the requirements of most such clients.

In another twist, deregulating the professional will prevent Hoosier surveyors from obtaining licensure by comity in any other state. Many Indiana surveyors are licensed and perform work in adjoining states. In addition, young and up-coming Indiana surveyors will never be able to gain the required experience under a licensed professional to qualify for licensure in another state, so they will simply not remain in Indiana. At least three surveying programs at Indiana colleges and universities would cease to exist.

In short, the deregulation of the surveying profession would, ironically, not equal more jobs for Hoosiers; it would actually destroy jobs in Indiana.

Property Boundaries in Indiana

The United States Public Land Survey System (USPLSS) – originally proposed by Thomas Jefferson – was developed when the federal government acquired the Northwest Territory. With a few exceptions (e.g., around Vincennes and Clarksville), it is relied upon – either directly or indirectly – for virtually every property boundary and survey performed in Indiana.

The USPLSS Surveys in Indiana began in 1804 in the southern part of the state and continued until about 1855 when they were completed in the northern part of the state. The surveys of the USPLSS consisted of subdividing the land into one-mile squares, called sections, and setting wood posts at half-mile intervals.

Indiana's Professional Surveyors are the stewards of the records, measurements and markers of those original government surveyors. They are charged with perpetuating the location of the lines and corners established by the USPLSS surveys. Without that stewardship, the entire system of land tenure would break down because boundaries will become ambiguous, questionable and in conflict. One could argue, we suppose, that the economic activity related to lawsuits generated by ambiguous boundaries is good, but ISPLS would suggest other economic activity is more desirable for our state.

Indiana's Professional Surveyors are also the stewards of Hoosier's property boundaries. Their duty and responsibility is to help ensure the American Dream of real property ownership by providing property boundary location services. No one other than Professional Surveyors who have demonstrated their qualifications by education, experience, examination and licensure are competent to locate property boundaries on the ground, and to map and certify those locations.

The Surveying Profession – A Broader Perspective

Indiana's Professional Surveyors are involved in many, many other aspects of surveying, besides boundary surveying, that are crucial to building Indiana and putting Hoosier's to work. They are too numerous to list in detail here, but some important ones include:

- Topographic Surveys for determining the shape and contour of the Earth's surface (used in planning and engineering design)
- Route Surveys for mapping the routes of highways, railroads and utilities;
- The preparation of reports, maps and documents for describing and acquiring right-of-ways and easements;
- Flood Hazard Surveys/Elevation Certificates used to provide elevation information necessary to ensure compliance with community floodplain management ordinances and to help developers and homeowners avoid development in flood-prone areas;
- Commercial and Residential Subdivision Design;
- Construction Staking and Layout for highways, pipelines, transmission lines, industrial, commercial and residential construction, utility lines, etc.;
- Construction As-built Surveys for mapping, documenting and certifying the locations of new improvements; and
- 3D Terrestrial Laser Scanning & Mobile Mapping for gathering and mapping millions of precise data points in very short periods of time – accelerating project timelines and

preventing costly and dangerous shutdowns of, for example, highways or railroads by keeping survey personnel away from busy intersections and outside dangerous areas to the greatest extent possible.

Regulation and licensing relieves the public and those who hire surveyors from otherwise trying to assess the qualifications of persons who would perform this highly specialized type of work. Because of the nature of surveying, even a major error may not reveal itself for years, so state licensing provides an important function.

Recommendations for Legislation or Administrative Rules

In a recent and positive development, during the 2013 legislative session, the definition of the Practice of Surveying was amended to bring it up-to-date with present-day practice and technology. The new law was based on the nationally-recognized NCEES (National Council of Examiners for Engineers and Surveyors) Model Law for Surveying. It was supported by a wide cross-section of professions that deal with surveyors on a regular basis and recognize the complexities of the profession.

As far as suggestions for the future, for the 2015 Legislative Session, ISPLS is seeking amendments to the Indiana Code concerning the Indiana Dig Law and how it unnecessarily and negatively impacts surveyors. Additionally, ISPLS is seeking the inclusion of professional surveyors in the statute of repose law - which by all accounts inadvertently excluded them when it was originally written.

The Board of Registration for Professional Surveyors has been very proactive in suggesting amendments to the Indiana Administrative Code. A current suggestion includes streamlining the language concerning the college-level surveying courses required for licensure. This suggestion would bring the language up-to-date with today's practices and course offerings, assist applicants in determining whether or not they are eligible, and give the Board better guidance and direction during the application review. Ultimately, it will also result in applicants getting licensed more quickly.

Current Board Make-up and Structure; Current IPLA Structure

The ISPLS believes that the current structure of the Board of Registration for Professional Surveyors is very effective in regulating the profession and we support the continuance of this structure. The number of board members is appropriate and necessary given the complaint process and the limited number of meetings currently allowed (3 or 4 per year).

One observation is that complaints against persons who may be doing substandard work and damaging property owners' rights on a regular basis can seemingly languish for months and even years due to the fact that the board can meet only quarterly. Respondents, who are keen to the system, can request well-timed continuances that result in them continuing to practice for a fairly lengthy period of time. Given scheduling conflicts, a continuance can easily result in a 6 month delay in a hearing. This is a concern.

APPENDIX IV – JCC Handouts – State Board of Registration for Professional Surveyors

As far as other possibilities related to board structure, an obvious suggestion – recombining the surveying and engineering boards - would ignore the very reasons that those boards were separated in 1991. That separation was supported by both the surveying and the engineering communities and was necessitated by the earlier cited fact that the primary reason for licensing surveyors - boundaries – is totally separate from, and has nothing in common with, engineering practice.

A similar suggestion to combine the boards several years ago was opposed by both groups for the same reason.

If there are financial concerns related to a separate surveying board, ISPLS would remind the JCC that this issue was raised in 1991 and the surveying profession stood up and told the legislature that it was willing to have its fees increased to support any increased costs. This was done – renewal fees were increased (with virtually no negative response from surveyors). As an aside, the fees were inexplicably lowered a few years later. ISPLS would be in support of increasing licensing and renewal fees if deemed appropriate.

Considering the extremely limited staff, the Indiana Professional Licensing Agency does an acceptable job. It seems hard to comprehend, however, how - for example - the Director of the surveyor's board can also effectively be the director of 5 or 6 other boards. ISPLS would like to see a timelier uploading of information to the Board's website and more communication from the State to its licensees; and ISPLS is more than willing to assist if it can.

Fees

The current licensing and renewal fee structure is more than fair and, as noted above, ISPLS would support increased fees if they were required in order to receive more services or in support of the separate surveying board.

Licensure Renewal and Continuing Education Requirements

As noted above, ISPLS supports the Board's desire to modify the current education requirements to make them more congruent with educational offerings in the state and the needs of the profession.

Otherwise, ISPLS believes that the amount of education required for licensure is commensurate with the contemporary demands of the profession.

Regarding continuing education, ISPLS believes that the level of surveying practice in Indiana has improved with the requirement of mandatory continuing education. We hear few, if any, complaints about the number of continuing education hours required; they seem to be appropriate to the profession.

Renewal Cycle

The two year renewal cycle seems appropriate and, when tied with continuing education, is well-suited to assuring the continuing competency of licensees. A longer period would be contrary to the idea of continuous improvement and competency by allowing licensees to go an extended period of time with no on-going training or education.

Summary

The Indiana Society of Professional Land Surveyors believes that legislation that would terminate the Board of Registration for Professional Surveyors and the regulation of the Surveying Profession in Indiana would be exceptionally negative for the State of Indiana and for jobs in Indiana.

As outlined above in this report, there are a number of reasons for this belief, but they include:

1. The protection of Hoosier property owners and their property rights.
2. The demands of a national economy relating to lending institutions, title companies, professional liability insurance and client needs.
3. The loss of Hoosier jobs to companies outside the state and an invasion of surveyors from other states into Indiana.
4. Hoosiers leaving the state in search of employment where they can otherwise use or obtain a professional license.

We appreciate this opportunity to provide input and, hopefully, clarity on the issue of professional surveyor licensure. Thank you.

Respectfully,

The Indiana Society of Professional Land Surveyors

By

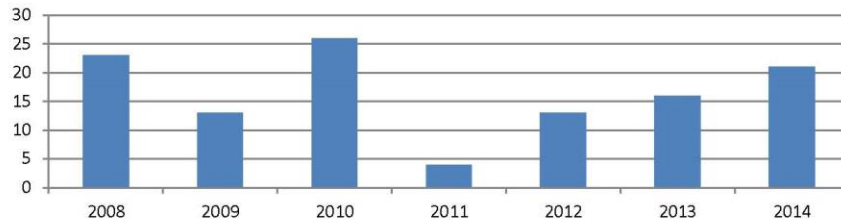


Robert "Jason" Coyle, PS
Executive Director

Indiana Society of Professional Land Surveyors, Inc.
8325 South Emerson Avenue
Suite B-2
Indianapolis, Indiana 46237
Ph.: 317-888-4400
E-mail: execdir@ispls.org

Land Surveyors Licensing Enforcement 2008 to 2014

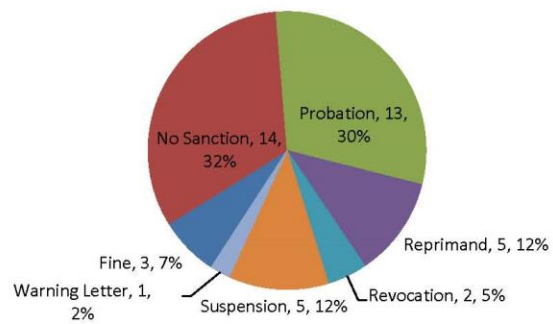
Complaints Received



Results of Investigations

| Allegation | No Violation | Insufficient Evidence | Settled | Warning Letter | Litigation File Opened | Totals |
|----------------------------------|--------------|-----------------------|---------|----------------|------------------------|--------|
| Nonsanctionable Action | 7 | | | | | 7 |
| Unlicensed Practice | 4 | 1 | | 3 | 2 | 10 |
| Application or Renewal Fraud | | | | | 2 | 2 |
| Discipline in Other Jurisdiction | | | | 1 | 1 | 2 |
| Failure To Supervise | 1 | | | | | 1 |
| Fraud | 1 | 1 | | | | 2 |
| Unprofessional Conduct | 13 | 4 | 3 | 3 | 4 | 27 |
| Professional Incompetence | 26 | 1 | 1 | 4 | 8 | 40 |
| Totals | 52 | 7 | 4 | 11 | 17 | 91 |

Disposition of Litigation





Indiana Manufactured Housing Association Recreation Vehicle Indiana Council, Inc.

Job Creation Committee Review of the Indiana Manufactured Home Installer Licensing Board: Report from the Indiana Manufactured Housing Association, February 19, 2015

Thank you for the opportunity to report on the Indiana Manufactured Home Installer Licensing Board. IMHA was asked to address Indiana Code 25-1-16-8, numbers 4, 5 and 6. Please see our response below:

4. An assessment of the effect of the regulated occupation on the state's economy, including consumers and businesses.

As you are aware by now, federal law required manufactured home installers to be licensed. Federal law also mandates minimum standards in training, licensing, installing and inspecting these homes. What you may not be aware of is that this federal law was established at the request of the industry. Manufactured homes are engineered and constructed to rigorous standards with a multi-stage inspection and approval process. However, the benefits of the indoor, highly regimented system building process can be destroyed by a poor installation. Improper installation can create a variety of problems ranging from cracked drywall and improper fitting of doors and windows to serious safety issues with broken utility connections.

As a product that is largely focused on the affordable housing market we are keenly aware of any increased costs that will eventually be passed on to the consumer. There are obvious costs involved in the installer licensing process, including bonding, education and applications. There could also be an opportunity cost to an installer who has to attend continuing education class, although the current requirement of 10 CE hours in four years makes that negligible.

Home manufacturers have long claimed that the number one reason for warranty claims by new homeowners is due to improper installation of the home. All home manufacturers build expenses into the cost of the home to cover the anticipated warranty service. Historically, these expenses were as high as 4-5% of the home costs. Now they are down around 1-2% of the cost of the home.

According to the US Census Bureau, in 2013 the average sale price of a new manufactured home in Indiana was \$50,100. For each 1% a manufacturer saves in warranty costs up to \$510 can be kept as profit or passed on as savings to the consumer. If costs were lowered by 3% the warranty expense of each home would drop \$1,530. Considering that 823 new manufactured homes were sold (and presumably installed) in Indiana last year the economic impact would be around \$1.26 million for calendar year 2014. Over the 4 year period of all installer licenses the economic impact could be around \$5 million.

These figures relate only to trackable expenses as there is no way to quantify how much a money a homeowner invests to correct issues with their home after the warranty period expires or as of a result of poor secondary installations.

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5. Any recommendations for legislation, including whether:

A. the regulation of a regulated occupation should be modified

First and foremost, we believe the Indiana should continue to operate its own manufactured housing installer licensing program and not default to the control of the US Department of Housing and Urban Development (HUD). We believe federal control of Indiana's program would be both more time consuming and more expensive for Indiana's businesses and manufactured housing consumers.

Federal regulations required each state to have an installer licensing program in place by 2005 or become a "default" state where HUD would set the program. While there are currently 12 states who have not implemented their own manufactured home installer licensing program HUD has yet to take action in those states. Indications are that HUD expects to begin a pilot program in two states later this year and will begin implementing a program nationally in 2017 or 2018. Further, in September of 2014 HUD implemented a label fee increase on manufactured home builders of more than 150%.

While details of the default HUD program are still being finalized these simple examples highlight our serious concerns about the federal government's ability to implement a program that is timely, cost-effective and relevant to industry and consumer needs in Indiana.

Secondly, I believe the current system could be modified in order to provide a better experience for consumers and improve installation quality. Although installers are required to be licensed compliance is complaint driven without any checks in the system. There is no central record of how many homes are installed or who is responsible for the installations. Simply compiling this information would give the licensing board more resources in order to more effectively administer the licensing program. In 2013, Senate Bill 447 attempted to give the board these resources while minimizing any time commitment or financial burden by utilizing data already held at the state level. Similar legislation could serve the same purpose or an interagency memorandum of understanding could be developed in order to share data between the BMV and the PLA.

B. the board should be combined with another board

As manufactured housing falls in a unique niche that is at times regulated by federal, state, and local authorities it is unlikely that another board has the same combination of concerns. We believe it is unlikely that combining this group with another would create a more efficient system.

C. whether the board or the regulation of the regulated occupation should be terminated

As discussed above, manufactured housing installers are required to be licensed under federal law. In Indiana the Manufactured Housing Installer Licensing Board also oversees the state requirement that all manufactured homes in land-lease communities be installed with a functioning weather alert radio.

Indiana ranks fourth in the country in manufactured home production - Hoosier workers built more than 5,000 of them last year. The industry is an important employer in northern Indiana and the industry fills a critical affordable housing niche in a state where the median family income is less than \$48,000. We

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believe terminating Indiana's board would have a significant detrimental impact to both the industry and the families it serves.

D. whether a license should be eliminated

As discussed above the license is required by federal law.

E. whether multiple licenses should be consolidated into one license

Our association serves the manufactured housing industry and we aren't experts in all the licenses issued by the PLA. However, due to the unique nature of the industry and the product the manufactured housing installer's license does not seem to be a good candidate for consolidation with other licenses.

6. Any recommendations for administrative changes.

In our opinion, the most significant improvement that can be made is to compile information on the manufactured home installations that are taking place around the state. Some of this may be available from the BMV and some may have to come from the installers themselves. Once this information is obtained the board can take any necessary actions as dictated by the data.

Additionally, online education should be pursued as a means to train licensees in a more timely, and perhaps less expensive fashion. As the main continuing education provider for this license, IMHA will be pursuing this avenue with the board in the near future.

Attachments:

- Average Sales Price of New Manufactured Homes Placed, 2013 – US Census Bureau
- Manufactured Home Shipments – MHI's Monthly Economic Report, December 2014
- Senate Bill 447 (2013 session)
- Senate Bill 447 Fiscal Impact Statement (2013 session)
- Production of Manufactured Homes by State, December 2014 - MHI's Monthly Economic Report, December 2014

APPENDIX IV – *JCC Handouts – Manufactured Home Installer Licensing Board*

**AVERAGE SALES PRICE OF NEW MANUFACTURED HOMES PLACED:
BY SIZE OF HOME BY STATE - 2013**

| REGION, DIVISION, AND STATE | Average Sales Prices (Dollars) | | |
|-----------------------------|--------------------------------|--------|---------|
| | Total ¹ | Single | Double |
| United States | 64,000 | 42,200 | 78,600 |
| Northeast | 66,500 | 44,300 | 79,600 |
| New England | 71,200 | 46,600 | 95,900 |
| Connecticut | 44,900 | S | S |
| Maine | 60,400 | 44,400 | 79,300 |
| Massachusetts | 111,600 | 60,400 | 174,000 |
| New Hampshire | 82,800 | S | 99,100 |
| Rhode Island | S | S | S |
| Vermont | 59,800 | 46,400 | 80,100 |
| Middle Atlantic | 65,100 | 43,300 | 76,000 |
| New Jersey | 83,700 | 58,800 | 95,000 |
| New York | 60,800 | 42,000 | 72,500 |
| Pennsylvania | 68,000 | 43,400 | 77,500 |
| Midwest | 62,900 | 43,300 | 80,000 |
| East North Central | 54,900 | 40,700 | 71,700 |
| Illinois | 55,000 | 38,300 | 77,700 |
| Indiana | 50,100 | 42,100 | 66,600 |
| Michigan | 51,800 | 40,800 | 64,500 |
| Ohio | 56,700 | 40,200 | 69,800 |
| Wisconsin | 63,500 | 46,000 | 78,000 |
| West North Central | 70,700 | 46,700 | 86,100 |
| Iowa | 60,400 | 43,300 | 78,600 |
| Kansas | 65,400 | 42,200 | 80,700 |
| Minnesota | 77,300 | 46,800 | 87,900 |
| Missouri | 61,200 | 42,400 | 73,200 |
| Nebraska | 63,000 | 48,900 | 74,200 |
| North Dakota | 85,200 | 51,700 | 106,800 |
| South Dakota | 73,000 | 51,200 | 86,800 |
| South | 61,200 | 41,700 | 76,500 |
| South Atlantic | 63,100 | 40,000 | 76,100 |
| Delaware | 65,900 | S | 106,100 |
| District of Columbia | X | X | X |
| Florida | 68,000 | 37,700 | 74,100 |
| Georgia | 59,900 | 32,700 | 72,500 |
| Maryland | 70,800 | S | 79,300 |
| North Carolina | 56,600 | 37,400 | 77,600 |
| South Carolina | 61,300 | 43,200 | 77,000 |
| Virginia | 62,900 | 45,800 | 77,600 |
| West Virginia | 68,800 | 44,600 | 77,400 |

APPENDIX IV – JCC Handouts – Manufactured Home Installer Licensing Board

**AVERAGE SALES PRICE OF NEW MANUFACTURED HOMES PLACED:
BY SIZE OF HOME BY STATE - 2013**

| REGION, DIVISION, AND STATE | Average Sales Prices (Dollars) | | |
|-----------------------------|--------------------------------|--------|---------|
| | Total ¹ | Single | Double |
| East South Central | 60,200 | 41,500 | 74,400 |
| Alabama | 62,900 | 42,100 | 75,300 |
| Kentucky | 60,500 | 42,600 | 77,500 |
| Mississippi | 57,600 | 40,900 | 75,700 |
| Tennessee | 59,400 | 39,700 | 68,700 |
| West South Central | 60,400 | 42,500 | 77,900 |
| Arkansas | 58,400 | 39,500 | 72,700 |
| Louisiana | 59,000 | 43,400 | 81,200 |
| Oklahoma | 65,200 | 45,100 | 82,900 |
| Texas | 60,200 | 42,000 | 76,800 |
| West | 79,100 | 44,600 | 86,600 |
| Mountain | 70,300 | 45,500 | 82,400 |
| Arizona | 70,200 | 40,500 | 79,300 |
| Colorado | 62,800 | 48,100 | 81,800 |
| Idaho | 87,000 | S | 87,800 |
| Montana | 72,000 | 49,900 | 89,800 |
| Nevada | 70,600 | 41,000 | 77,100 |
| New Mexico | 67,200 | 44,700 | 78,900 |
| Utah | 80,500 | S | 93,300 |
| Wyoming | 77,900 | 48,500 | 105,700 |
| Pacific | 88,700 | 41,500 | 89,800 |
| Alaska | 54,200 | 45,300 | S |
| California | 95,800 | 43,400 | 98,000 |
| Hawaii | S | S | S |
| Oregon | 72,000 | S | 71,800 |
| Washington | 82,300 | 37,800 | 78,900 |

¹ Includes manufactured homes with more than two sections.

S Suppressed to avoid disclosing data for individual dealers; data are included in higher level estimates.

X Not Applicable

Source: These data are produced by the U.S. Commerce Department's Census Bureau from a survey sponsored by the U.S. Department of Housing and Urban Development.

Table 12: Manufactured Home Shipments

| | DECEMBER | | | Year through DECEMBER | | |
|---------------------------|----------|------|----------|-----------------------|--------|----------|
| | 2013 | 2014 | % Change | 2013 | 2014 | % Change |
| New England | | | | | | |
| Connecticut | 7 | 1 | -85.7% | 98 | 82 | -16.3% |
| Maine | 24 | 23 | -4.2% | 339 | 380 | 12.1% |
| Massachusetts | 7 | 9 | 28.6% | 133 | 161 | 21.1% |
| New Hampshire | 20 | 8 | -60.0% | 263 | 257 | -2.3% |
| Rhode Island | 0 | 0 | - | 5 | 11 | 120.0% |
| Vermont | 10 | 3 | -70.0% | 114 | 136 | 19.3% |
| Subtotal (region) | 68 | 44 | -35.3% | 952 | 1,027 | 7.9% |
| Middle Atlantic | | | | | | |
| New Jersey | 11 | 22 | 100.0% | 203 | 284 | 39.9% |
| New York | 60 | 60 | 0.0% | 1,388 | 1,313 | -5.4% |
| Pennsylvania | 61 | 78 | 27.9% | 1,278 | 1,322 | 3.4% |
| Subtotal (region) | 132 | 160 | 21.2% | 2,869 | 2,919 | 1.7% |
| East North Central | | | | | | |
| Illinois | 52 | 69 | 32.7% | 732 | 922 | 26.0% |
| Indiana | 51 | 51 | 0.0% | 1,138 | 823 | -27.7% |
| Michigan | 83 | 216 | 160.2% | 1,598 | 2,230 | 39.5% |
| Ohio | 59 | 86 | 45.8% | 971 | 1,070 | 10.2% |
| Wisconsin | 9 | 10 | 11.1% | 306 | 260 | -15.0% |
| Subtotal (region) | 254 | 432 | 70.1% | 4,745 | 5,305 | 11.8% |
| West North Central | | | | | | |
| Iowa | 19 | 12 | -36.8% | 313 | 323 | 3.2% |
| Kansas | 26 | 15 | -42.3% | 356 | 328 | -7.9% |
| Minnesota | 28 | 12 | -57.1% | 437 | 407 | -6.9% |
| Missouri | 44 | 66 | 50.0% | 800 | 893 | 11.6% |
| Nebraska | 7 | 3 | -57.1% | 244 | 122 | -50.0% |
| North Dakota | 34 | 66 | 94.1% | 774 | 914 | 18.1% |
| South Dakota | 33 | 24 | -27.3% | 387 | 425 | 9.8% |
| Subtotal (region) | 191 | 198 | 3.7% | 3,311 | 3,412 | 3.1% |
| South Atlantic | | | | | | |
| Delaware | 14 | 24 | 71.4% | 261 | 310 | 18.8% |
| District of Columbia | 0 | 0 | - | 0 | 0 | - |
| Florida | 236 | 311 | 31.8% | 3,002 | 3,780 | 25.9% |
| Georgia | 100 | 117 | 17.0% | 1,407 | 1,529 | 8.7% |
| Maryland | 5 | 11 | 120.0% | 246 | 145 | -41.1% |
| North Carolina | 221 | 182 | -17.6% | 2,626 | 2,333 | -11.2% |
| South Carolina | 137 | 153 | 11.7% | 2,039 | 2,063 | 1.2% |
| Virginia | 73 | 86 | 17.8% | 1,051 | 989 | -5.9% |
| West Virginia | 51 | 61 | 19.6% | 1,033 | 1,073 | 3.9% |
| Subtotal (region) | 837 | 945 | 12.9% | 11,665 | 12,222 | 4.8% |

(continued)

Introduced Version

SENATE BILL No. 447

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-14-3-5; IC 25-23.7.

Synopsis: Manufactured home installers. Requires the bureau of motor vehicles to provide information concerning titles for manufactured homes to the manufactured home installer licensing board (board). Requires manufactured home installers to make quarterly reports to the board. Requires the board to investigate violations by manufactured home installers. Creates the licensed manufactured home installer safety compliance fund, and continually appropriates money in the fund.

Effective: July 1, 2013.

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January 10, 2013, read first time and referred to Committee on Commerce, Economic Development & Technology.

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Introduced

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

SENATE BILL No. 447

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-14-3-5, AS AMENDED BY P.L.125-2012,
2 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 5. (a) Except as provided in subsection (b), (d), or
4 (e), the bureau shall prepare and deliver information on titles,
5 registrations, and licenses and permits upon the request of any person.
6 All requests must be:
7 (1) submitted in writing; or
8 (2) made electronically through the computer gateway
9 administered under IC 4-13.1-2-2(a)(5) by the office of
10 technology;
11 to the bureau and, unless exempted under IC 9-29, must be
12 accompanied by the payment of the fee prescribed in IC 9-29-2-2.
13 (b) The bureau shall not disclose:
14 (1) the Social Security number;
15 (2) the federal identification number;
16 (3) the driver's license number;
17 (4) the digital image of the driver's license applicant;

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(5) a reproduction of the signature secured under IC 9-24-9-1 or IC 9-24-16-3; or
(6) medical or disability information;
of any person except as provided in subsection (c).

(c) The bureau may disclose any information listed in subsection (b):

- (1) to a law enforcement officer;
- (2) to an agent or a designee of the department of state revenue;
- (3) for uses permitted under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4), IC 9-14-3.5-10(6), and IC 9-14-3.5-10(9); or
- (4) for voter registration and election purposes required under IC 3-7 or IC 9-24-2.5.

(d) As provided under 42 U.S.C. 1973gg-3(b), the bureau may not disclose any information concerning the failure of an applicant for a motor vehicle driver's license to sign a voter registration application, except as authorized under IC 3-7-14.

(e) The bureau may not disclose any information concerning the failure of an applicant for a title, registration, license, or permit (other than a motor vehicle license described under subsection (d)) to sign a voter registration application, except as authorized under IC 3-7-14.

(f) The bureau shall provide information concerning titles for manufactured homes to the manufactured home installer licensing board established by IC 25-23.7-3-1. The manufactured home installer licensing board shall use the information in administering IC 25-23.7.

SECTION 2. IC 25-23.7-5-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 5. (a) Beginning April 1, 2014, a licensee shall submit to the board a quarterly report, due fifteen (15) days after the end of the quarter, for each immediately preceding quarter. The report must contain the following information:**

(1) Contact information for the individuals for whom the installation was made, including each individual's:

- (A) name;**
- (B) address; and**
- (C) telephone number.**

(2) Name of the licensee.

(3) Date of the installation.

(4) Address at which the manufactured home was installed on the date of installation.

(5) Certification that the manufactured home was installed as follows:

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(A) For a new manufactured home, to the manufacturer's installation instructions.

(B) For a used manufactured home, to the manufacturer's installation instructions, if available, or to the American National Standard Institute (ANSI) standard A225.1.

(b) If two (2) or more licensees are involved in the same installation, each licensee shall list the installation in the licensee's quarterly report.

(c) A licensee shall file quarterly reports required under this section even if no manufactured homes were installed by the licensee.

(d) The board shall adopt rules under IC 4-22-2 to implement this section.

SECTION 3. IC 25-23.7-7-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4.5. (a) For purposes of this section, "fund" refers to the licensed manufactured home installer safety compliance fund established by subsection (e).

(b) The board shall obtain information from the bureau of motor vehicles concerning manufactured home title transactions.

(c) The board shall compare the title data obtained under subsection (b) and installation data submitted under IC 25-23.7-5-5. If the board determines that a manufactured home has been installed by an unlicensed installer or if there is a violation of this article by a licensee, the board may impose and collect a civil penalty not to exceed one thousand dollars (\$1,000) against the unlicensed installer or the licensee. Fees collected under this subsection shall be deposited in the fund.

(d) A licensee or unlicensed installer who is investigated by the board, and found by the board to have violated this article, may appeal the determination of the board under IC 4-21.5.

(e) The licensed manufactured home installer safety compliance fund is established to provide funds for administering and enforcing this article. The fund shall be administered by the board. The fund consists of:

- (1) fines and civil penalties collected under this article; and
- (2) appropriations.

The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund at the end of a state fiscal year does not revert

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- 1 to the state general fund. Money in the fund is continually
- 2 appropriated to the board for purposes of this section.

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**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6723

BILL NUMBER: SB 447

NOTE PREPARED: Jan 1, 2013

BILL AMENDED:

SUBJECT: Manufactured Home Installers.

FIRST AUTHOR: Sen. Yoder

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State

Summary of Legislation: *BMV*- The bill requires the Bureau of Motor Vehicles (BMV) to provide information concerning titles for manufactured homes to the Manufactured Home Installer Licensing Board.

Quarterly Reports- The bill requires manufactured home installers to make quarterly reports to the Board. The bill requires the Board to investigate violations by manufactured home installers.

Compliance Fund- The bill creates the Licensed Manufactured Home Installer Safety Compliance Fund (Compliance Fund), and continually appropriates money in the Compliance Fund.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *BMV*- Under current law, all motor vehicles, trailers, mobile homes, and recreational vehicles must be titled. The BMV already provides title information to persons that submit the proper request (written or via the Office of Technology computer gateway) and pay the required fee. Additionally, the BMV keeps track of manufactured homes that are transferred to real estate. Therefore, depending on the format that the information is reported, it is likely the BMV could provide title information, required under the bill, to the Manufactured Home Installer Licensing Board within existing resources.

Quarterly Reports- Although the bill states that the Board would obtain the title information from the BMV and compare the title data with the installation data from the quarterly reports from licensees, the Professional Licensing Agency (PLA) would provide the administrative services to the Board to accomplish this provision. Based on the current number of licensed manufactured home installers, the PLA would have to review and

APPENDIX IV – JCC Handouts – Manufactured Home Installer Licensing Board

compare the BMV data with approximately 1,100 reports annually. Currently, the PLA has two case managers that serve the Board. Additionally, they also provide licensing administrative services to accountants, auctioneers, and private investigator/security guards. If additional staff were needed to process and analyze the quarterly reports from manufactured home installers, a COMOT III-level staff member would require expenditures of approximately \$38,700 in the first year of employment. The estimate includes base salary, fringe benefits, and other indirect costs such as office supplies and a computer.

Rules Adoption- The Board would be required to adopt rules in order to implement the requirements of the bill. The Board would likely be able to adopt rules within the course of a regular meeting of the Board. The Board, to date, is scheduled to meet three times during CY 2013.

Compliance Fund- The establishment of a compliance fund would provide funding for the administration of quarterly reports and the enforcement actions taken against licensees that commit violations.

Explanation of State Revenues: *Compliance Fund-* The Compliance Fund would consist of civil penalties/fines and appropriations. The maximum penalty that could be assessed by the Board, under the bill, would be \$1,000 per violator. Money in the Compliance Fund would not revert to the state General Fund at the end of a state fiscal year.

A 2% noncompliance rate, with each violation assessed the maximum penalty of \$1,000, might generate approximately \$22,100 annually.

Background Information- As of September 19, 2012, there were 227 manufactured home installers holding an active Indiana license. Multiplying the number of active licensees by four would yield the expected number of annual reports to be filed in the first year of implementation at 1,108.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Bureau of Motor Vehicles; Manufactured Home Installer Licensing Board.

Local Agencies Affected:

Information Sources: Professional Licensing Agency; Bureau of Motor Vehicles.

Fiscal Analyst: Chris Baker, 317-232-9851.

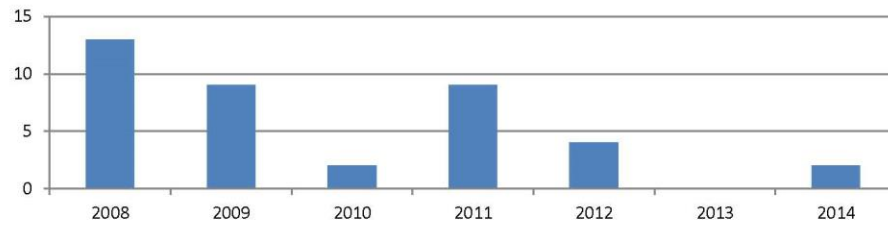
**Table 16: Production of Manufactured Homes by State (Ranked from Highest to Lowest)
Year through DECEMBER 2014**

| State | TOTAL | | | SINGLE-SECTION | | | MULTI-SECTION | | |
|------------------------------|---------------|---------------|------|----------------|---------------|------|---------------|---------------|------|
| | Production | % of Total | Rank | Production | % of Total | Rank | Production | % of Total | Rank |
| Texas | 17,319 | 26.9% | 1 | 10,519 | 34.8% | 1 | 6,800 | 19.9% | 1 |
| Tennessee | 9,481 | 14.7% | 2 | 4,320 | 14.3% | 2 | 5,161 | 15.1% | 2 |
| Alabama | 8,155 | 12.7% | 3 | 3,791 | 12.5% | 3 | 4,364 | 12.8% | 3 |
| Indiana | 5,056 | 7.9% | 4 | 3,164 | 10.5% | 4 | 1,892 | 5.5% | 8 |
| Pennsylvania | 4,047 | 6.3% | 5 | 1,712 | 5.7% | 5 | 2,335 | 6.8% | 4 |
| Georgia | 3,291 | 5.1% | 6 | 1,108 | 3.7% | 7 | 2,183 | 6.4% | 5 |
| Florida | 2,678 | 4.2% | 7 | 718 | 2.4% | 8 | 1,960 | 5.7% | 7 |
| North Carolina | 2,590 | 4.0% | 8 | 1,217 | 4.0% | 6 | 1,373 | 4.0% | 9 |
| California | 2,275 | 3.5% | 9 | 233 | 0.8% | 13 | 2,042 | 6.0% | 6 |
| Arizona | 1,774 | 2.8% | 10 | 517 | 1.7% | 9 | 1,257 | 3.7% | 11 |
| Oregon | 1,631 | 2.5% | 11 | 297 | 1.0% | 11 | 1,334 | 3.9% | 10 |
| Minnesota | 946 | 1.5% | 12 | 463 | 1.5% | 10 | 483 | 1.4% | 13 |
| Idaho | 810 | 1.3% | 13 | 236 | 0.8% | 12 | 574 | 1.7% | 12 |
| Nebraska | 265 | 0.4% | 14 | 198 | 0.7% | 14 | 67 | 0.2% | 14 |
| States with * | 4,013 | 6.2% | | 1,725 | 5.7% | | 2,288 | 6.7% | |
| Total Home Production | 64,331 | 100.0% | | 30,218 | 100.0% | | 34,113 | 100.0% | |
| Product Mix | | 100.0% | | | 47.0% | | | 53.0% | |

States with less than three active manufacturers are indicated with an asterisk (*). Production figures for these states are suppressed to protect proprietary information. Total production for these states is reported on the line labeled "States With *".

Manufactured Home Installers 2008 to 2014

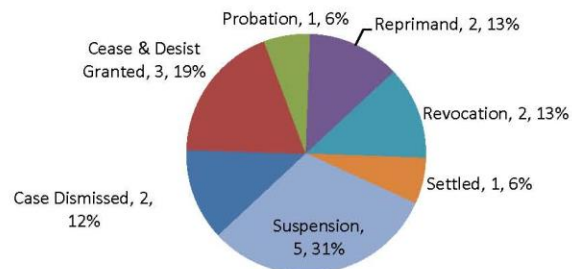
Complaints Received



Results of Investigations

| Alleged Violation | Duplicate | No Violation | Out of Business | Insufficient Evidence | Settled | Warning Letter | Litigation File Opened | Totals |
|---------------------------|-----------|--------------|-----------------|-----------------------|---------|----------------|------------------------|--------|
| Breach of Contract | | 1 | | | | 1 | 2 | 4 |
| Failure to Complete CE | | | | | | | 6 | 6 |
| Fraud | | | | 1 | | | | 1 |
| Professional Incompetence | | 5 | | 3 | 1 | | 6 | 15 |
| Unlicensed Practice | | | 1 | | | | 1 | 2 |
| Unprofessional Conduct | 1 | 4 | | | | | | 5 |
| Totals | 1 | 10 | 1 | 4 | 1 | 1 | 15 | 33 |

Disposition of Litigation



**A Report to the Job Creation Committee
on the
Licensing of Private Investigators and Security
Guards**

For the JCC Review Scheduled for February 19, 2015



Presented by

**The Indiana Association of Professional Investigators
and**

The Indiana Society of Professional Investigators



**A Report to the Job Creation Committee on the Licensing of Private Investigators and Security Guards
For the JCC Review Scheduled for February 19, 2015**

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APPENDIX IV – JCC Handouts – Private Investigator and Security Guard Licensing Board

**A Report to the Job Creation Committee on the Licensing of Private Investigators and Security Guards
For the JCC Review Scheduled for February 19, 2015
Presented by the Indiana Association of Professional Investigators and the Indiana Society of
Professional Investigators**

Executive Summary

The associations believe that the licensing of private investigators (PI) and security guard (SG) companies is necessary to protect the public from unscrupulous, predatory and unqualified operators and to provide a necessary level of quality assurance to business owners and the public at large.

We see no economic value to the state or to the public in the deregulation of the PI and SG sectors, and in fact we believe it could lead to negative consequences in a substantial increase in consumer frauds and additional burdens on our law enforcement communities. Our present codes require only that one individual be eligible for licensing for each business, and those eligibility standards are minimal and the licensing fee insignificant as a part of start-up costs (\$75 per year).

We routinely handle sensitive business and personal matters for our clients, which require the use and protection of confidential and proprietary information and the safeguarding of valuable client assets and personnel. In the absence of licensing, any individual could present himself to the public at large as a “private investigator” and make outrageous claims as to what they could do. In the absence of licensing the public would be in constant danger of exploitation by fraudsters, sexual predators and scam artists. Most guard company owners have a law enforcement background and are skilled in the protection of personnel and assets. Without licensing and regulation, individuals without any experience or training could offer guard services, placing the public and business owners in danger.

Although the associations believe that our codes could be enhanced to provide great assurances to the public and business communities, we equally believe that our minimum licensing standards must be maintained in the interest of public safety.

A Brief History of Private Investigation and Security Guard Services

Today’s professional private investigators trace their beginnings back to the early 19th century, when Eugene Francois Vidocq founded the first modern detective agency and credit bureau in Paris. Vidocq later helped create the *Sûreté*, the detective bureau of the French police. During that period and well into the early 20th century, however, private detectives and security guards were largely unlicensed and unregulated.

The best known of the early private detectives in the U.S. is, of course, Allan Pinkerton and his Pinkerton National Detective Agency, which also provided security services. A major competitor to the Pinkerton agency in the early 20th century was the William J. Burns International Detective Agency. William Burns served as director of the federal agency which preceded the Federal Bureau of Investigation.¹ For many years during the 19th century and the early 20th century, private detectives and security guards, often

¹ See the FBI’s web site, at <http://www.fbi.gov/about-us/history/directors/burns>. Burns was succeeded by J. Edgar Hoover in 1924.

times the same individuals, provided valuable services to the public and businesses across the country, which could not often depend on local police departments to solve crimes and provide protection and patrol services. Local and state police departments, if they existed at all, were unorganized, untrained and poorly funded.

However, the national detective agencies often times became part of the problem, rather than the solution, especially during the labor unrest in the late 19th and early 20th centuries, when security guards and undercover investigators were used by large corporations to counter union movements. Licensing was soon to follow, in order to protect the public and business sectors from unscrupulous tactics and provide some assurance of qualification. Regulation of the private security industry began in California in 1915², and by the late 1960s Indiana began licensing security guards and private detectives, originally under the auspices of the Indiana State Police. Licensing moved to the Professional Licensing Agency when it was formed in 1989, under the Private Detective Licensing Codes which covered detectives and security guards. Since the revised codes of 2007, we have been known as private investigators and security guards have been regulated under separate codes, both under the oversight of the Private Investigator and Security Guard Licensing Board.

By the 1980s, the Pinkerton and Burns agencies were primarily involved in providing security guard services, and in 2003 both companies were purchased by an international firm, Securitas AB, based in Sweden. Although a Pinkerton investigation division still exists, it remains part of Securitas. However, smaller private investigation firms and contract security agencies continued to grow around the U.S.

Presently, there are 45 states which regulate private investigators and security guards through a state agency, a state's attorney general or a state police department. Pennsylvania regulates private investigators through its various county Courts of Common Pleas, and Wyoming licenses investigators through many local jurisdictions and municipal governments. Private security firms in Wyoming have to register with the Secretary of State and in some municipalities. Alaska requires a business license, except in Fairbanks which requires separate licensing of PI firms. Bills to license investigators in Alabama and Mississippi were filed this year in the respective state legislatures.³ The states yet to have any form of licensing are Idaho and South Dakota.⁴

A Brief History of the Private Investigation Associations in Indiana

There are two non-profit associations in Indiana representing professional investigators, the Indiana Society of Professional Investigators (INspi) and the Indiana Association of Private Investigators (IAPI). The groups originated around the same time in the 1990s; yet, ironically, each set of founding members was unaware that another group was forming until after the charters were established. The Indiana

² From the web site of the California Department of Consumer Affairs, Bureau of Security & Investigative Services, found at http://www.bsis.ca.gov/about_us/history.shtml.

³ An article in an Alabama newspaper details why private investigators wanted licensing; see http://www.annistonstar.com/news/article_3c0dc7d6-7f44-11e4-b5c0-3f1b39f7a6c0.html. The Mississippi bill can be found at <https://legiscan.com/MS/bill/HB713/2015>.

⁴ From information sent to PISG Licensing Board chairman, Don C. Johnson, by Laurel Rudd, executive director of the [International Association of Security and Investigative Regulators \(IASIR\)](http://www.iasir.org/), on December 19, 2014. IASIR is comprised of regulatory and licensing agencies from over 35 states, Canadian provinces and the United Emirates.

Society of Professional Investigators is comprised of both licensed private investigators and security guard companies and the Indiana Association of Private Investigators is comprised of licensed private investigators and certified specialists in various fields, such as polygraph examiners, accident reconstructionists, hand writing experts, etc. Over the years the associations have worked together on common interests, such as legislative advocacy on the state and national fronts. Although merger has been discussed among the two associations, differences remain in structure and governance. Yet, both associations have a great amount of respect for one another and continue to work together for their members' business interests and in the best interests of the public and business community at large.

But just as our interests are common, so are the challenges we face in recruiting members. Our combined membership numbers total approximately 120 private investigation firms and security guard agencies (which includes several overlapping memberships).⁵ By year's end 2014, there were 518 Private Investigator licenses and 395 Security Guard agencies in Indiana, according to figures provided by the Professional Licensing Agency.⁶ Thus, the associations represent only 13 percent of the combined license holders in the state, or only 23 percent of the licensed private investigators. We are volunteer organizations and have no ability to compel memberships. Our licensing codes provide for no continuing education for license renewals, a mechanism other state associations use to gain memberships by providing those credits in regularly scheduled seminars and conferences. Although both INspi and IAPI provide seminars and networking events, only a small number of our members regularly attend.

Why the Associations Support Licensing of Private Investigators and Security Guards

We believe that to understand why licensing is necessary we need to illustrate the kinds of services provided by professional private investigators in today's modern world, and, to a degree embedded in the obvious, why guard services must be regulated.

Private Investigation Clients. Although attorneys and businesses comprise the majority of our clients, we also do work for the public, the average consumer, if you will. Even when we work for an attorney, we are most times acting on behalf of a consumer, for example a personal injury victim or a criminal defendant. The kinds of special cases we handle for attorneys, insurance companies, businesses and individual members of the public include but are not limited to:

1. **Personal Injury and Negligence Cases.** We review accident reports, conduct scene inspections and evidence examinations. We interview witnesses and vet expert witnesses. We provide support to counsel during depositions and trial preparation.
2. **Criminal Defense Cases.** We develop incident time lines for counsel; review police and other first responder reports; locate and interview witnesses and escort defense witnesses to trial; and other litigation support services, including background investigations of potential jurors and expert witnesses.

⁵ There is no separate state association for security guard agencies in Indiana. [ASIS International](#) (formerly American Society for Industrial Security) has state chapters in Indiana, but its membership is comprised mostly of corporate security directors. Corporate security forces do not require licensing. There are few contract guard providers in the ASIS ranks.

⁶ From an email to PISG Licensing Board chairman, Don C. Johnson, from the board's staff director, Amy Hall, on December 18, 2014. No more licenses were issued before year's end.

3. **Insurance Defense Investigations.** We conduct surveillance and other investigative activities in insurance fraud cases. We conduct background and asset investigations on subrogation targets for insurance defense attorneys and insurance company special investigation units.
4. **Estate and Probate Investigations.** We conduct background investigations on caregivers and others who have inserted themselves into the life of a senior citizen. We search for missing or unknown heirs on an estate, either for a family or an executor needing due diligence for probate purposes.
5. **Family Law Investigations.** Although we have the occasional request from a wronged spouse to identify an unknown co-respondent, most family law cases involve petitions for modification in child custody arrangements, when a former spouse may be in violation of a dissolution decree. When a member of the public does contact us, we operate under the premise of “Know your client.” Indiana is of course a no fault divorce state and we must always operate with a high degree of caution in these matters.
6. **Business Matters.** Many of us provide special investigation services to businesses, small and large. These services can include pre-employment and background screening, which require special knowledge of relevant federal and state employment laws. We also conduct workplace investigations on suspected stalking, sexual harassment and disability cases. We also conduct due diligence investigations on mergers and acquisitions. We work on intellectual property investigations into copyright and trademark infringement. We conduct investigations on compliance violations in franchise agreements.
7. **Property Services.** These investigations include mortgage fraud investigations and other real estate and personal property services, such as fraudulent transfer and stolen property.
8. **Computer Forensic Examinations.** These cases require the services of a qualified forensic specialist, knowledgeable of the rules of digital evidence preservation. We also need to know state and federal laws on access to devices during an investigation.
9. **Electronic Countermeasures.** Technical Surveillance Countermeasures (TSCM) also require the services of a highly qualified examiner, usually not found at the hands of an individual offering a scan with a handheld device purchased on the internet for a hundred dollars.⁷
10. **Miscellaneous, Personal Cases.** Those of us who have been in the PI business for a few years can share stories of the random case, the frantic call from someone who hears strange noises in the attic, someone who has lost a pet, or someone who had something stolen and they believe they’ve had no satisfaction from the police. These matters require special handling, both in terms of what you can or cannot promise a client and dealing with results that run counter to your client’s belief. Also requiring careful handling are online dating investigations and individuals who are trying to locate lost loves or missing children. Again, you must “Know Your Client.”

Security Guard Licensing. The associations believe the licensing of contract security guard companies is absolutely essential. We have detailed below many of the harms brought to the marketplace in the

⁷ The Indiana PISG codes do not regulate computer forensic examiners and TSCM specialists. Most PI firms will have at their disposal the services of an expert in these fields, either on staff or by contract.

APPENDIX IV – *JCC Handouts – Private Investigator and Security Guard Licensing Board*

absence of licensing.⁸ Our present codes impose minimum regulation in the licensing of SG agencies. We license only the SG agency “Qualifier,” the individual who must meet the minimum standards for licensing: two years of qualifying experience, a clean background check and a certificate of professional liability insurance. We do not license or register the employees of SG agencies or PI firms. Those requirements were eliminated when the codes were revamped in 2007. The PI and SG businesses are required to maintain fingerprint cards on file for each employee and conduct their own background checks. Although the state can conduct random audits to check for compliance, we are not aware that is a standard practice.

There is ample anecdotal evidence of the danger not only of unlicensed security guard operations but problems with licensed guard companies whose practices endanger the public safety, in particular in the absence of stronger codes which require specific training of employees and minimum standards for guard uniforms, for example. In an administrative law hearing last month before the Indiana Private Investigator and Security Guard Licensing Board, a Petition for Summary Suspension filed by the Office of the Attorney General was heard; reference Cause Number PISG 15-01, in the matter of Security Watch Alert Team, LLC d/b/a MyPrivatePolice.com. After a hearing that lasted over nine hours, the board found for the Petitioner and the guard company’s license was suspended for 90 days for practices that endangered the public safety.⁹

Few Applications for Licensure Denied. In a memo to the association presidents, the chairman of the Private Investigator and Security Guard, Don C. Johnson, provided the following figures, from his meeting notes, on the number of licenses granted and denied during 2014:¹⁰

Meeting Month Licenses Issued Denied Tabled

| | | | | |
|---------|----|----|---|---|
| January | PI | 5 | 1 | |
| | SG | 1 | 1 | |
| March | PI | 14 | 1 | 1 |
| | SG | 9 | 0 | 1 |
| May | PI | 10 | 0 | |
| | SG | 3 | 0 | 1 |

⁸ Ray Myszak is a former Hammond police detective and guard company owner. He sent this message to us on February 5th: “When I ran my guard company, I had 200-250% turnover in guards every year. High turnovers are common among guard companies. Even though 20% of my guards were with me for years, 80% had to be replaced twice a year, or more. Without licensing and proper operating procedures, unscrupulous guard companies would refrain from providing optimum security for their clients. In fact, many disservices would result without licensing.”

⁹ News coverage of the hearing can be found online at <http://www.theindychannel.com/news/local-news/carmel-company-accused-of-impersonating-police> and <http://www.indystar.com/story/news/2015/01/15/carmel-security-firms-license-suspended-impersonating-police-allegations/21804879/>

¹⁰ The totals of licenses issued in 2014 (46 PIs, 19 SGs) were confirmed by Amy Hall, PLA’s staff director of the PISG Licensing Board. In most instances on an application denial, the qualifier did not have the minimum number of hours of documented experience. Often times when an application is tabled for that reason, the applicant will produce additional documents to meet the minimum requirements.

APPENDIX IV – *JCC Handouts – Private Investigator and Security Guard Licensing Board*

| | | | | |
|-----------|----|---|---|---|
| July | PI | 5 | 0 | 1 |
| | SG | 3 | 0 | |
| September | PI | 5 | 0 | |
| | SG | 1 | 0 | |
| November | PI | 7 | 0 | |
| | SG | 2 | 1 | |

What Is the Harm in the Absence of Licensing?

The licensing of private investigator firms and security guard agencies in Indiana is essential and necessary for two primary reasons:

1. Public Safety
2. Consumer Assurance

Risks to Public Safety. Without licensing or regulation of the PI and SG business sectors, anyone can “hang a shingle” and offer these services. This would include individuals who are predicated towards or who have been convicted of serious felony and misdemeanor crimes, to include, but not limited to:

- Sexual offenses and predatory practices such as stalking;
- Domestic violence and battery;
- Homicide or manslaughter;
- Assault with a deadly weapon;
- Theft or receiving stolen property;
- Identity fraud and cyber crimes;
- Deceptive consumer practices.

Our present licensing system requires background checks for applicants. Without licensing, anyone convicted of a sex offense or violent crime would be able to promote himself as a “private investigator.” An unlicensed security guard would have access to a company’s facilities, employees and property.

Risks to Consumer Assurance. Without licensing, the public and business sectors have no assurance that someone claiming to be a private investigator or security guard has a minimum qualifying experience. Prior experience in law enforcement or in the private sectors gives an individual valuable experience in the critical areas of asset and data protection, compliance with state and federal laws and regulations governing critical areas of responsibility, including but not limited to:

- Privacy Rights and Access to Personal Identifying Information (PIN);
- Civil and Criminal Law Rules of Evidence;
- Pre-employment and Post-employment Background Investigations;
- Protection of Personnel and Facilities;
- Business Practices and Protocols.

An unlicensed PI or guard contractor is more likely to avoid state and federal taxes by paying employees “off the books” and issuing 1099s at the end of the year for those it wrongly treats as sub-contractors. This white paper does not address in detail how a consumer would seek redress if an unlicensed PI takes money and does not provide the service. We all know the civil courts are crowded and a judgment in hand is not worth much if you can’t collect on it. Many unlicensed PIs will avoid carrying liability insurance, just as they will avoid paying any payroll taxes. The licensing and regulation of PI and SG services give consumers an additional option for redress for civil and criminal wrongs.

Are there Acceptable Alternatives to Licensing?

The associations do not believe there is an acceptable alternative to licensing. We are not capable of the administrative and financial burden that would be imposed if the state requested we assume oversight. As noted above, we are volunteer, non-profit organizations and we continue to face the challenges of membership attrition and recruitment.

Furthermore, we believe the concept of “self-certification” would be equally untenable. As we understand it, self-certification is a “*private and voluntary certification as a complement to other state-authorized occupational licensing regimes*” that does not impose an absolute obligation under law for registration.¹¹

Furthermore, there are no national associations or organizations which provide a certification for PI firms or SG agencies that would not impose significant financial burdens on Hoosier business owners who would choose to seek those certifications. Only one organization, ASIS International, provides certifications for both sectors which might otherwise be considered were it not for the cost of examination and re-certification. The eligibility requirements for these examinations impose minimum standards and experience beyond what our present codes require, adding a further financial burden in achieving those levels. Other associations provide certifications in narrow fields of investigation, which most business owners would not seek in light of those restrictions and the additional financial burden of examination and re-certification.¹²

How Can the PI and SG Licensing Codes Be Improved?

Our present codes impose absolutely minimum standards for licensing, especially when compared to all the states surrounding us and many of the others which require licensing. We believe that the present renewal cycle of four years provides some relief to business owners who had to renew on two year cycles in the codes prior to 2007. However, an increase in the renewal cycle might impose a financial burden on the Professional Licensing Agency in tracking the compliance of license holders and add to the administrative costs of an increased volume in renewals during the same calendar year.

¹¹ Reference the SEA 421 Report on self-certification at http://www.in.gov/pla/files/IPLA_Legislative_Report_-_Self-Certification_Registration.pdf. We respectively refer the JCC to pages 5 and 6 of this report, in regards to the licensing of certain occupations and professions “...to protect the health and safety of consumers” and the factors to use when considering the necessity of full licensure. We believe these factors dictate licensure over certification for the PI and SG sectors.

¹² For details on the ASIS certifications, go to www.asisonline.org. Additional but narrow certifications are provided by the [National Association of Legal Investigators](#) and the [Association of Certified Fraud Examiners](#).

However, the associations have always taken the position that continuing education is an essential component of good business practices, considering the nature of the services we provide, as detailed above. Our present codes have no such requirement.

Continuing Education for License Renewals. The associations realize the problem of imposing additional financial burdens on business owners, which most likely makes untenable requiring continuing education credits for license renewals at this time. However, as noted above, the associations routinely schedule continuing education events at locations around the state. The Indiana Association of Professional Investigators holds monthly meetings in Indianapolis and regularly schedules training components in those meetings. The IAPI also holds an annual seminar in the fall of each year. The IAPI is a LETB (Law Enforcement Training Board) Certified Training Provider making their annual seminar an option to law enforcement officers and support personnel for satisfying in-service training requirements through the ILEA (Indiana Law Enforcement Academy). The Indiana Society of Professional Investigator holds quarterly meetings and seminars around the state, including most recently in South Bend and before that at the French Lick Hotel. The society is hosting a conference in Indianapolis in April at the Holiday Inn in Carmel, “Associations One 2015 Investigation and Security Conference,” co-sponsored by associations from Michigan, Ohio, Illinois and Kentucky. Members of the IAPI are invited to that event, now in its 16th year.¹³ The Associations One conferences and other seminars hosted by INspi have been recognized by the National Association of Legal Investigators for continuing education credits for Certified Legal Investigators.TM

The annual dues for our associations are \$100 for the business owners and associate memberships are offered to employees at a reduced rate. Our regular seminar and meeting fees are in the \$20-\$25 range. Our members believe these minimum dues and fees are money well spent and provide a desired level of confidence for our clients. A sampling of topics covered in our continuing education events:

- Changes in civil and criminal laws and rules of evidence;
- Changes in state and federal laws regulating pre-employment screening;
- Changes in technology, computer security, and digital evidence recovery and examination;
- Best practices and procedures in the service of process;
- Interview and interrogation techniques;
- Asset investigation and judgment recovery;
- Premises liability and negligence issues for security companies and investigators;
- Accident scene inspection and documentation.
- Best business practices, including human resource issues.

Reconsideration of How We License Out-of-State Companies. Our codes do not require that out-of-state PI firms and SG agencies have an office in Indiana when applying for licensure here. Under the codes prior to 2007, if an out-of-state company applied for a license, they had to either have an office in Indiana or a “Registered Agent,” a license holder in the state who could be held responsible for the out-of-state firm’s actions and where the out-of-state company had to maintain a copy of its Indiana license.

¹³ Details can be found at www.associationsone.net.

APPENDIX IV – JCC Handouts – Private Investigator and Security Guard Licensing Board

The PISG Licensing Board regularly licenses out-of-state firms with no easy mechanism for PLA to track how many employees they are sending into Indiana. These firms on occasion will use an out-of-state sub-contractor who is not licensed in Indiana. These are companies that are taking jobs from Hoosier-based firms without the same regulatory oversight and that do not pay taxes in Indiana.

Enhanced Rules and Regulations for Security Guards. Again, we recognize the problem of a financial burden that additional rules and regulations might impose on SG agency owners. However, we would be remiss if we did not note that we consider the rules and regulations governing the operation of SG agencies as wholly insufficient for the protection of the public. The recent incident referenced above illustrates that point, when it was learned that an employee of that guard company had a criminal history. In that same hearing, we saw that some guard company uniforms can be confused with the uniform of a police officer. Responsible guard companies, such as Securitas, outfit their guards in uniform colors and embroideries that a member of the public could clearly identify as belonging to a security company and not a local police department. Uniforms are an initial expense for any guard company. While grandfathering present SG agencies, we believe that new rules and regulations requiring minimum standards in uniform design, for example, would impose no additional cost.

In Conclusion ...

The associations appreciate this opportunity to share with the Job Creation Committee this overview of the private investigator and security guard business sectors. We hope that our report provides an increased understanding of what it is that we do, as well as an illustration of the value to the public in knowing that the great Hoosier state requires licensure for PI firms and SG agencies. We know that you share our belief that, when considering the operation and licensure of any occupation or profession, ensuring the safety of the public is paramount.

We will be glad to answer any questions that you may have.

Respectfully,

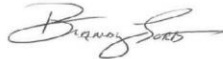
The Indiana Association of Professional Investigators:



Kim Ridding, President

info@legworkinvestigations.com

The Indiana Society of Professional Investigators:

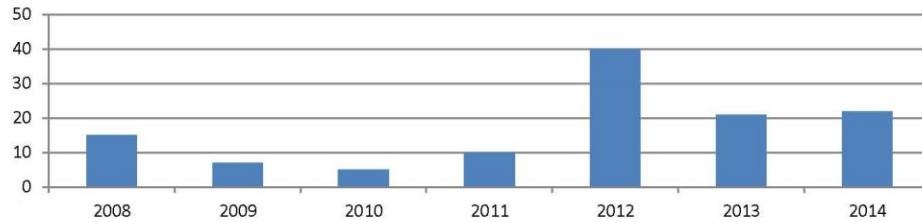


Brandy Lord, President

pi@integrityinvestigationsinc.com

**Private Investigators and Security Guards
2008 to 2014**

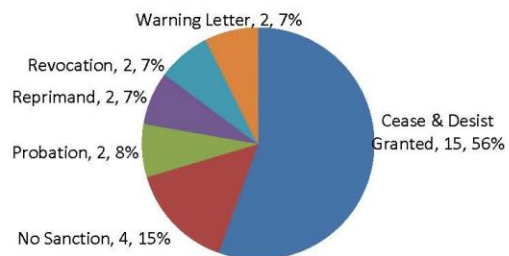
Complaints Received



Results of Investigations

| Alleged Violation | Duplicate | No Violation | Referred to Another Agency | Insufficient Evidence | Settled | Warning Letter | Litigation File Opened | Totals |
|-----------------------------------|-----------|--------------|----------------------------|-----------------------|---------|----------------|------------------------|--------|
| Application or Renewal Fraud | | 1 | | | | | | 1 |
| Criminal Activity | | 4 | | | | | | 4 |
| Employing Unlicensed Practitioner | | 2 | | | | | | 2 |
| Fraud | | 1 | | 1 | | | | 2 |
| Nonsanctionable Action | | 2 | 1 | 1 | | | | 4 |
| Professional Incompetence | 1 | 8 | | 3 | 1 | 1 | | 14 |
| Unlicensed Practice | 1 | 17 | | 5 | 5 | 7 | 8 | 43 |
| Unprofessional Conduct | 1 | 19 | 1 | 5 | | 1 | 1 | 28 |
| Totals | 3 | 54 | 2 | 15 | 6 | 9 | 9 | 98 |

Disposition of Litigation





Indiana Funeral Directors Association

1305 W. 96th St. Suite A

Indianapolis, IN 46260

Phone 317-846-2448 Fax 317-846-6534

www.infda.org

IFDA is a trade and professional association representing 470 independent, family-owned funeral homes and approximately 1100 individual funeral director licensees in Indiana.

Funeral service is not a growing segment of the economy due to changes in funeral customs which has led to a decrease in the number of funeral homes.

The manner in which funeral service is practiced is vital to the health, welfare, and safety of the citizens of Indiana.

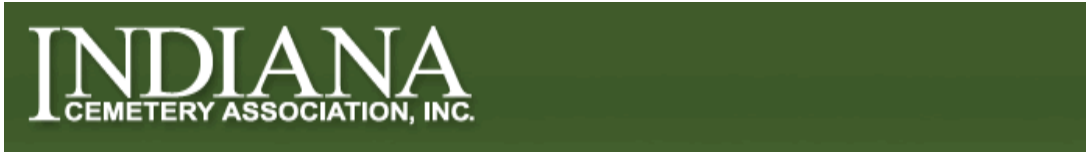
Regulation of funeral service through formal licensing of funeral homes and funeral directors has been the practice in Indiana and 48 other states for decades. The rationale for doing so is still valid. (Colorado, the one exception, recently saw the need to increase their regulatory level.)

Reasons for licensing:

- The purchase of a funeral is a unique transaction under trying circumstances. The public needs to know that the person they have placed their trust in has met certain educational requirements and complies with strict licensing standards.
- The handling of human remains requires a knowledge of infectious disease and requires safe handling protocols.
- Money paid in advance and held for future use deserves state protection that only licensing can provide.
- The public is best served when a licensing board is in place to handle consumer complaints.
- Only a licensing board can take immediate and emergency action against a practitioner to protect the public in rare cases where it is warranted.

Recommendations:

1. Increase the entry level educational standard to a bachelor's degree to be in line with a growing number of other states as well as other comparable professions. (Indiana is falling behind and pay differential could cost us good candidates.)
2. Increase in the number of continuing education hours for re-licensure to help insure up-to-date practices and legal compliance.
3. Retention of current size and structure of board, but streamlining of complaint process.
4. Better and sooner "triage" of complaints by a practitioner.
5. Fines used towards enforcement with an increase of inspections and inspectors.



Casey Miller, Executive Director of the Indiana Cemetery Association, submitted these bullet points to the JCC to aid his testimony:

11. Provide an introduction and overview of the industry, your involvement and the role licensure plays to benefit practitioners and consumers. Economic impact of the industry on the state? Does licensure support/facilitate economic growth? Why or why not? What's the average wage of professionals in the industry? What's the average income? What is the salary range of the practitioners (BLS data)?

- As the Executive Director of the Indiana Cemetery Association, I represent approximately 125 of both large and small cemeteries in Indiana and these 125 cemeteries perform approximately 60% of the burials in Indiana. I presently manage the Catholic Cemetery in Fort Wayne and also manage the Indiana Cemetery Association on behalf of its Board of Directors. I was appointed to the State Board of Funeral and Cemetery service by then Gov. Evan Bayh and served for two, 4 year terms. I was the Chairman of the State Board for two years. Funeral and Cemetery Licensure is absolutely critical to guarantee compliance with trusting laws and to insure public safety when visiting Indiana funeral homes. Licensure of cemeteries and funeral homes does not negatively impact economic growth and are not burdensome. Management level employees earn \$65,000.00 on average and fully licensed funeral directors earn approximately \$55,000.00 on average.

12. Explain why licensure is needed for the industry. Could certifications be used as an alternative? Why or why not? Provide additional background information for why the profession should be regulated.

- I will defer to the Indiana Funeral Directors Association on this question.

13. Recommendations for legislative or administrative changes to the licensure structure? If recommendations are needed, how will these benefit consumers and practitioners?

- I will defer to the Indiana Funeral Directors Association on this question.

14. Is the current board structure satisfactory? Is the agency structure satisfactory for managing the regulations of the industry and informing

licensees?

- The present structure of the State Board is certainly adequate and I would not recommend any changes. Further, my dealings with IPLA have been excellent and have found the staff informative when asked questions and responding to my needs.

15. Are the fees fair? Why or why not?

- The fee structure is not excessive.

16. Are the pre-licensure educational requirements and continuing education requirements appropriate?

- Again, I will defer to the Indiana Funeral Directors Association.

17. Should the renewal cycle change? Could it be structured differently to be more centered on competency?

- Again, I will defer to the Indiana Funeral Directors Association.

18. Should the board be simplified? Is the number of board members appropriate? Should the board be combined with another similarly regulated profession?

- I would like to discuss the reasoning behind the Board composition that became law on July 1st, 1991 and give reasoning as to why the makeup of the Board is still effective today. The Board should not be combined with any other professional group or Board.

APPENDIX IV – *JCC Handouts – State Board of Funeral and Cemetery Service*

FUNERAL FEES IN SURROUNDING STATES

ILLINOIS

License Fees:

Funeral Director - \$100
Funeral Director by reciprocity - \$200
Funeral Director Intern - \$50
CE Sponsor - \$500

Renewal Fees:

Funeral Director - \$50
Funeral Director Intern - \$25
CE Sponsor - \$125

Misc.

Restoration - \$50 + all lapsed renewal fees not to exceed \$300
Duplicate License - \$20
Certification of License - \$20

KENTUCKY

License Fees:

Funeral Director - \$125
Embalmer - \$75
Embalmer by Reciprocity - \$125
Courtesy Card - \$75
Funeral Home - \$150

Renewal Fees:

Funeral Director - \$75
Embalmer - \$75
Funeral Home - \$150
Courtesy Card - \$75

MICHIGAN

License Fees:

Funeral Director - \$60 (even year) \$100 (odd year)
Trainee - \$45
Courtesy Card - \$270 (odd year) \$405 (even year)

APPENDIX IV – *JCC Handouts – State Board of Funeral and Cemetery Service*

Funeral Home - \$170 (even year) \$225 (odd year)

Renewal Fees:

Funeral Director - \$120
Trainee - \$65
Courtesy Card - \$425
Funeral Home - \$245

OHIO

License Fees:

Funeral Director - \$150
Apprentice - \$25
Embalmer - \$150
Funeral Home - \$350
Courtesy Card - \$150

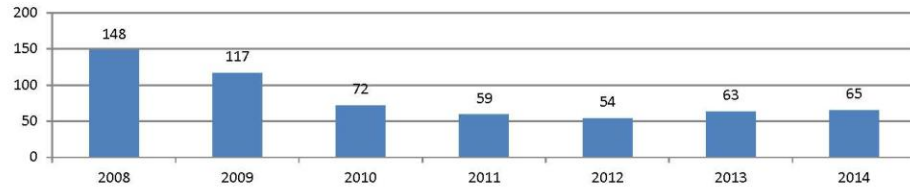
Renewal Fees:

Funeral Director - \$150
Apprentice - \$25
Embalmer - \$150
Funeral Home - \$350
Courtesy Card - \$150

APPENDIX IV – JCC Handouts – State Board of Funeral and Cemetery Service

**Funeral Directors and Cemeteries
2008 to 2014**

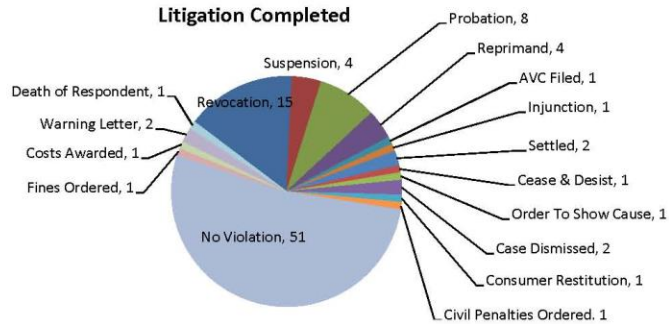
Complaints Received



Investigations Completed

| Alleged Violation | Duplicate | No Violation | Death of Respondent | Out of Business | Insufficient Evidence | Warning Letter | Settled | Litigation File Opened | Totals |
|-----------------------------------|-----------|--------------|---------------------|-----------------|-----------------------|----------------|---------|------------------------|--------|
| Nonsanctionable Action | | 17 | | 1 | 2 | | | 5 | 25 |
| Unlicensed Practice | | 17 | | | 7 | 4 | 2 | 11 | 41 |
| Employing Unlicensed Practitioner | | 3 | | | | | | 2 | 5 |
| False Advertising | | 1 | | | | | | | 1 |
| Breach of Contract | | 1 | | | | | | | 1 |
| Billing Dispute | 2 | 4 | | | | | | 4 | 10 |
| Fraud | 1 | 21 | 3 | | 1 | 1 | 3 | 15 | 45 |
| Criminal Activity | | | | | | | | 1 | 1 |
| Unprofessional Conduct | | 50 | | 1 | 11 | 1 | 8 | 18 | 89 |
| Professional Incompetence | 6 | 190 | 2 | 6 | 18 | 27 | 26 | 65 | 340 |
| Totals | 9 | 304 | 5 | 8 | 39 | 33 | 39 | 121 | 558 |

Litigation Completed



COLORADO HEARING SOCIETY

March 3, 2015

To Whom It May Concern:

In 1986 the Colorado State Legislature determined that regulation for hearing aid dispensers and audiologists was not necessary because of the very few complaints received regarding our profession each year.

The Colorado Hearing Society testified before several legislative committees urging them not to de-regulate our profession. However, the legislature felt that we policed ourselves well and did not need further regulation and they voted to sunset our regulations.

Once this de-regulation occurred, our state began attracting the worst of our profession. This resulted in a huge influx of unscrupulous, untrained, and incapable people dispensing hearing aids. The number of dispensers rose dramatically.

Individuals who previously had their licenses revoked or had numerous complaints in other states were free to set up shop and scam a new set of victims here.

The state thought we didn't need regulation, however, it quickly became apparent that we did as increased numbers of complaints against dispensers and audiologists began to pour into the state.

Some individuals opened storefront offices; others worked from their cars making home visits. They were there to make the sale but impossible to find when the customer needed service. A number of these people had absolutely NO training at all. This caused immeasurable damage to Colorado consumers physically, mentally, and financially.

State agencies eventually became involved and prosecuted several of these people. In most cases consumers were unable to obtain financial compensation.

In 1996 The State of Colorado again enacted registration and eventually licensing for all hearing aid providers and audiologists. We now have laws in place to handle disciplinary actions against those who do not comply with Colorado law.

It took 15 years to get these undesirable people out of the profession. It has taken much longer to regain the trust of the consumers in our state.

I urge you not to follow the path that Colorado took, the unexpected fall-out takes many years to recover from.

Sincerely,

Cynthia L. Hoest

Cynthia L. Hoest, BC-HIS
President Colorado Hearing Society

Chapter One
Of The International Hearing Society



Dedicated To
Serving The Hearing Impaired

**Silicone Impression Material
in the Middle Ear**

**Kipp Robins, M.D.
Richard Harris, Ph.D.
Brigham Young University, Provo, UT
(Posted April 23, 1999)**

Hearing aid specialists (dealers) and dispensing audiologists are afforded a wide range of ethyl methacrylate monomer/polymer and silicone ear impression materials. Considerable professional skill and care must be exercised in selecting the size, material and placement of the oto-block within the external ear canal. Block materials include the traditional cotton and the newer polyfoam. Because of its compressibility, the latter ear dam material is often a poor choice for use with viscous, high density silicone impression materials. Impression material insertion techniques have advanced from hand-packing to include syringes and silicone "guns" which include stabilizer and impression material in separate barrels, mixed on injection. Material mix consistency and injection force are also critical variables in the impression-taking process. Friable and monomerically scarred tympanic membranes and surgically altered ears are at particular risk. This case study, contributed by Kipp Robins, M.D. and Richard Harris, Ph.D., FAAA, Brigham Young University, Provo, UT, demonstrates the profound otic impact of improper ear impression-taking technique. Dr. Robins provides detailed notes of the surgical treatment and follow-up. Audiometric data are unavailable.

*Roy F. Sullivan, Ph.D.
Editor, Video Otoscopy Forum*

A 91 year old male was seen by a local hearing aid specialist for hearing aids in May, 1998. The hearing aid specialist took ear impressions using silicone material injected using a gun. Details on the use of an ear dam are unavailable. According to the patient, the specialist placed the tip of the gun deeply into the ear canal and kept injecting silicone. The impression material, injected under pressure, apparently perforated the tympanic membrane and filled the majority of the tympanic cavity AND the auditory tube.

The patient was seen subsequently by a local Otolaryngologist (Dr. Robins) to remove the solidified impression from the tympanic cavity. During the initial visit an image (Fig. 1) was recorded using an in-office video otoscope system. A traumatic perforation can be seen in the inferior portion of the tympanic membrane. The patient was scheduled for surgical removal of the tympanic cavity impression and a series of emulsion photographs (Figs. 2 - 12) were recorded before, during and after surgery.

The otolaryngologist reported that the silicone material had almost completely filled the tympanic cavity and that the material was wrapped around the ossicular chain on three sides and also filled the auditory tube. The material was removed without physical damage to the ossicular chain.



Figure 1. Video otoscopic image of "tympanic cavity impression" taken in ENT office. Click image for full size view.

The vivid blue cast visible through the tympanic membrane in Figure 1 is the residual silicone impression material filling the middle ear space in intimate contact with the medial surface of the TM. Injection of the material caused a traumatic inferior perforation of the tympanic membrane and subsequently filled the tympanic cavity. Note the hematoma in anterior inferior auditory meatus, probably traumatically induced by the injection gun tip placement.



Figure 2. Photo taken in operating room prior to surgery for excision of silicone impression material from the middle ear cavity. Click image for full size view.

The risks of surgery were discussed with the patient and family. These risks included possible disruption of the ossicular chain, injury to the tympanic membrane or the inner ear. Both patient and family desired to proceed with the surgical removal of the impression material. Figure 2 was taken 24 hours after Fig.1, via a surgical microscope using emulsion photography. Some separation of the impression material from the medial surface of the TM is noted.

The following photographs, operative and follow-up notes were provided by otolaryngologist Dr. Robins.

Surgical Procedure:

The patient was taken to the operating room, on May 7, 1998, where general endotracheal anesthesia was induced without complication. The left ear was prepped and draped in the usual sterile fashion. Under microscopic visualization, an extended

typanomeatal flap was made. This extended from the superior aspect of the drum posteriorly down to approximately 7 o'clock. The drum was elevated forward. Further photo documentation was obtained at this point (Figure 3). The KTP laser was used at a setting of 2 watts to attempt to cut and dissect the silicon. This seemed to heat the silicon, but did not appear to be effective at cutting. The myringotomy knife was used to make several slices through the silicon inferiorly where it was felt to be safe. Ultimately, the straight-cut forceps were found to be best for removal of the silicon piecemeal. It did break away without significant tension using the straight-cut forceps.

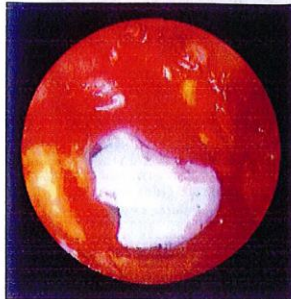


Figure 3. Initial surgical exposure shows residual impression material in the operative field.
Click image for full size view.

It was initially felt visually that the incudostapedial complex was encased in silicon. As the silicon was retracted inferiorly from this area, however, it was seen that the silicon extended to/and abutted against the incudostapedial complex but did not surround and encase the ossicles. The ossicular chain was therefore able to be kept intact throughout the procedure. All posterior and inferior areas of the tympanum were able to be cleaned of the silicon using this piecemeal removal. At this point additional photographs (Figures 4-6) were taken.



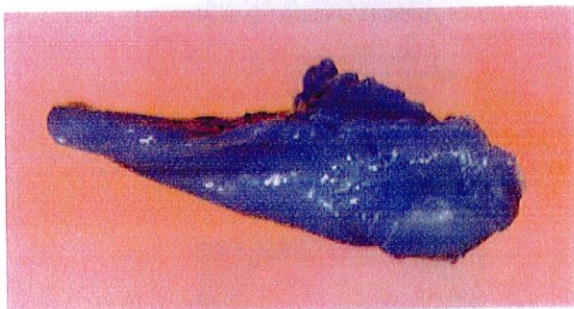
Figure 4. Material excised from posterior and inferior tympanum
Click image for full size view.

The anterior tympanum was still filled with the rubber material. This was not able to be retrieved deep to the malleus. Further extension of the incision anteriorly allowed the drum to be retracted posteriorly and the remainder of the silicon was able to be removed in this fashion.



*Figure 5. Material has been removed from anterior tympanum and Eustachian tube.
Click image for full size view.*

There was an extension which appears to have gone down into the eustachian tube which came out as a single large piece.



Impression material cast of the Eustachian tube, removed intact.

At this point, the tympanic membrane was replaced to its original position. A Gelfilm graft was placed over the inferior perforation and some of the macerated areas of the drum.



*Figure 7. Tympanic membrane replaced in original position.
Click image for full size view.*

Next, Gelfoam was packed in the lateral ear canal and a cotton ball covered with ointment and a Band-Aide were placed over the ear. The patient tolerated the procedure well and was awakened, extubated and taken to the recovery room in stable condition. Because of the tedious nature of the surgery, approximately two hours was involved in removal of the foreign body with repair of the ear drum.

Post-Operative follow up notes:

05/18/98

S - No problems with the ears since surgery.

O - Left ear packing still in place. Everything looks appropriate at this time.

R - Recheck in one month.

07/03/98

- No problems since last visit.

0 - Right ear remains healthy. Packing from the left ear canal is removed. The eardrum is well visualized. The posterior annulus appears to have retracted somewhat from its canal, leaving two separate posterior perforations between bony wall and annulus.

R - We will watch these. I will see him back in 2 months. I did approve wearing a hearing aid now in both ears. There is, incidentally, a small fleck of silicone still deep in the eardrum, which should not have any bad consequences.



**Figure 8. Postop color-edited photo taken 7-3-98 showing annulus pulled away from tympanic sulcus which resulted in 2 posterior inferior perforations.
Click image for unedited full size view.**

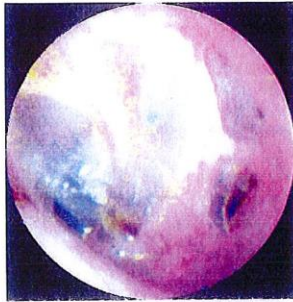
APPENDIX IV – JCC Handouts – Committee of Hearing Aid Dealer Examiners

09/04/98

S - No problems since last visit. He is having some troubles properly putting his hearing aid in on the right. There was apparently a malfunction of his left hearing aid and it is being fixed.

Ø - Right eardrum healthy. Left eardrum now has one smaller perforation posteroinferiorly. The annulus remains pulled away from the bony [meatus]. I again photographed it today.

R - Recheck three months. I again gave him approval to wear a hearing aid on the left.



*Figure 9. Post-operative color-edited photo taken 9-4-98
Click image for unedited full size view.*

03/17/99

S - No reported problems since last visit. His step-son comes in again with him today.

Ø - Right ear healthy. Left ear has otorrhea. On further questioning, he states that he has noticed some moisture in the ear canal for quite sometime. I suctioned this. He now again has two perforations, but they are much smaller than before. I am uncertain whether the single perforation that he had last time has now closed centrally creating two much smaller holes.

*R - Cipro drops for four days. Recheck two weeks. It sounds as if they have signed a contract with the adjuster at ***** ending all payments. This is certainly not appropriate until the eardrum is back to its pre-trauma state.*

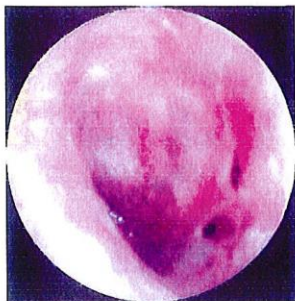


Figure 10. Post-operative color-edited photo taken 3-17-99.
[Click image for unedited full size view.](#)

03/31/99

S - No otorrhea since last visit. He has been faithful in using the drops.

O - One of the two small holes is now gone. The inferior hole has enlarged. I photographed this (Figure 11).

R - Drops twice a week. Recheck two months still with the hopes that the perforations will close spontaneously.



Figure 11. Postop photo taken 3-31-99.
[Click image for unedited full size view.](#)

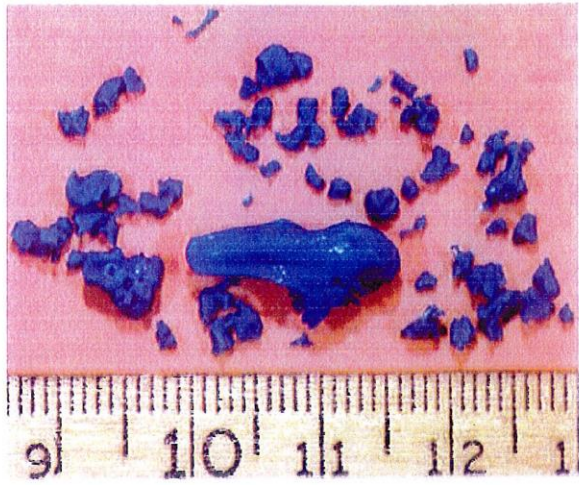


Figure 12. Remnants of silicone impression material surgically removed from middle ear spaces.

A PROFESSIONAL PRACTICE PROFILE FOR HEARING HEALTH PROFESSIONALS

The International Hearing Society has adopted the following practice profile as a comprehensive declaration of dispensing characteristics and expectations that define the unique role of the hearing instrument practitioner.

Hearing instrument dispensing includes several professions that overlap. There are traditional hearing aid dispensers, Board Certified hearing health professionals, hearing aid practitioners, hearing instrument specialists, audioprosthologists, audiologists, doctors of audiology, otolaryngologists and other doctors of medicine. This document summarizes the scope of dispenser services as defined by the 1999 NBC-HIS Role Delineation Study of Hearing Aid Dispensers (D'Costa, 1999). It does not replace or supersede current state and federal regulations governing the practice of hearing instrument dispensing, but is specific to the training and legitimate professional activities of those practitioners licensed in hearing instrument dispensing.

Simply put, the purposes of this document are twofold: to provide a model hearing instrument dispenser practice plan for state/provincial licensing boards and to provide consumers, government agencies and other interested parties official information about the specific services and understandings a patient has the right to expect from a competent hearing health professional.

The following guiding principles and assumptions were used in the development of this profile:

- Only those professionals who hold professional licenses which allow hearing aid dispensing and who have appropriate training and experience may provide specific procedures.
- Safety and health of the patient are the most important considerations in all practice decisions and actions.
- All dispensing procedures are performed in a manner as to prevent bodily injury and infection.
- Hearing aids may be only part of the answer for improved communication; therefore, it is important to recognize and to encourage the use of other assistive listening devices for patients.
- Hearing healthcare requires a team effort. Dispensers must work with other professionals, as needed, to maximize patient care and interprofessional collaboration.
- Dispensers form a partnership with each of their patients to help achieve total communication with their own world, thus enabling their development and participation in all aspects of their life.
- All equipment must be maintained according to the manufacturer's specifications and recommendations. Equipment must be properly calibrated and necessary records maintained.
- Decontamination, cleaning and disinfection of multiple-use equipment must be carried out according to facility-specific infection-control policies and manufacturer's guidelines.
- Ambient noise levels in the test environment must be appropriate to the practice setting.
- Documentation must be maintained in accordance with local regulations and in keeping with good professional practice.

The NBC-HIS 1999 Role Delineation Study analyzed the responses of survey responders to 100 tasks in terms of the frequency with which each task was performed, and in terms of the level of supervision occurring with each task performance. Sixteen broad procedures were identified using statistical clustering of the tasks and are listed below.

1. **Elicit patient/client case histories**, including medical, otological, pharmacological, previous amplification history and patient attitudes and expectations.
2. **Administer otoscopy** for the purpose of identifying possible otological conditions, including but not limited to the FDA red flag conditions that may indicate the need for medical referral or which may have a bearing on needed rehabilitative measures, outcomes and/or recommendations.
3. **Administer cerumen management** in the course of examining ears, taking ear impressions and/or fitting of hearing instruments.
4. **Administer and interpret tests of human hearing**, including appropriate objective and subjective methodology and measures.
5. **Determine candidacy for hearing instruments**, assistive devices or referral for cochlear implant evaluation or other clinical/rehabilitative/medical intervention.
6. **Prescribe, select and fit appropriate hearing instruments and assistive devices** including appropriate technology, electroacoustic targets, programming parameters and special applications as indicated.
7. **Assess hearing instrument efficacy** utilizing appropriate fitting verification methodology, including all available fitting validation methods.
8. **Take and prepare ear impressions for prosthetic adaptation** of hearing instruments, assistive devices, telecommunications applications, ear protection and other related applications.
9. **Design and modify earmolds and auditory equipment** requisite to meet individual patient needs.
10. **Provide rehabilitative advice and counseling** in the use and care of hearing instruments and assistive devices and in effectively utilizing communication coping strategies and other approaches to foster optimal patient rehabilitation.
11. **Counsel family member(s) and other interested parties relative to psychosocial and rehabilitative considerations** for optimal patient outcomes.
12. **Provide long-term patient care**, including periodic audiometric updates and recommendations for modifying rehabilitation programs to help meet patients' changing needs over time.
13. **Refer and cooperate with other allied professionals** in meeting the needs of the hearing impaired.
14. **Provide supervision and in-service training** of those entering the dispensing profession.
15. **Maintain and update knowledge and skills in current and future diagnostic and technological advancements** within the hearing industry.
16. **Consult with industry in the development of products and services** relating to aiding hearing impairment.

The sixteen procedures listed above were then grouped into six major areas as follows:

1. Assess patient presenting problem and needs
2. Test and analyze patient hearing
3. Prescribe and analyze hearing aid
4. Fit, adjust, program and service hearing aid
5. Counsel and help rehabilitate patient
6. Manage office and practice

The following section addresses the expected outcomes, indication for procedure and procedure methods for each of the six categories.

ASSESS PRESENTING PROBLEM AND NEEDS

Expected Outcomes:

- Identification of factors in the patient's background that may put him/her at risk for hearing problems.
- Identification of FDA red flags that would require a referral for medical evaluation.
- Identification of other medical problems that may have an impact on the methods used for procedures and/or expected outcomes of hearing aid fitting.
- Identification of family members' concerns regarding patient's hearing difficulties.
- Exploration of patient attitudes and expectations of amplification.
- Identification of problems with hearing and understanding.
- Identification of daily activities and impact of hearing loss on lifestyle.
- Identification of impact of hearing loss on family, friends and in the workplace.

Indication for Procedure:

- Individuals being seen for either hearing screening or hearing evaluation

Procedure Methods:

- Typically consists of a combination of written answers to a series of questions, elaboration of those answers by oral questioning and behavioral observation.
- Areas covered include but are not limited to: family history of hearing loss; incidence and duration of childhood hearing-related illnesses; information regarding dizziness, loss of balance or tinnitus; current medication/drug history; and history of noise exposure and acoustic trauma. In addition, it is critical to elicit family members' concerns about the patient's hearing difficulties, the patient's attitudes and expectations regarding amplification, and the patient's own assessment of their hearing difficulties.
- Additional areas that must be covered include but are not limited to questions regarding history of ear surgeries, diseases and treatments; information regarding past experiences with amplification; and questions and observations regarding ear deformity, pain, sudden hearing loss, ear infection, disease, drainage or blockage requiring medical referral.

TEST AND ANALYZE HEARING

Expected Outcomes:

- Basic hearing evaluation is conducted to quantify and qualify hearing loss on the basis of perceptual responses to acoustic stimuli and to describe any associated communication disorders.
- Results of the evaluation may result in recommendations for more advanced testing, medical referral, amplification consultation, assistive listening device consultation or follow-up recommendations.
- Speech discrimination tests are performed for additional information about a hearing loss.
- Evaluation may result in recommendation for a medical referral, amplification, aural rehabilitation and/or counseling.
- Determine need for medical referral based on audiometric air-bone gap results.
- Determine degree, type and configuration of hearing loss from test results.
- Hearing instrument efficacy will be determined by pre-post audiometric measures.

Indications for Procedure:

- Hearing evaluation may be done when a hearing screening is failed.
- Hearing evaluation is generally prompted by self-referral, family referral, failure of an occupational hearing test or referral from other professionals.

Procedure Methods:

- Hearing evaluation is preceded by eliciting the hearing history and assessing the hearing problem. This is followed by examination of the external ear canal and cerumen management if necessary.
- The standard audiometric tests consist of pure-tone air and bone conduction testing with appropriate masking using the TDH-39 standard. It is our recommendation that all providers move to the EAR-3 or equivalent insert earphones standard by July 1, 2005. Some professionals also choose to do loudness growth testing at this time.
- Speech testing includes speech awareness and/or speech reception threshold tests, speech discrimination tests and establishing MCL and UCL thresholds (appropriate masking used as required). In addition, further information can be gained by doing unaided and aided sound field discrimination tests and by testing binaurally as well as monaurally.
- Special audiometric tests are performed for additional information about a hearing loss.
- Evaluation may result in recommendation for a medical referral, amplification, aural rehabilitation and/or counseling.
- Procedures such as immittance audiometry (tympanometry and reflexes) are quite common.
- Procedures to assess cochlear versus retrocochlear (i.e., eighth cranial nerve, brainstem or cortical) auditory disorders include acoustic reflex threshold, tone decay testing and PiPb rollover testing.
- Special procedures for testing infants and children as appropriate to licensure or evaluating tinnitus are also sometimes called for.
- Evaluate the reliability and validity of the test results.
- Evaluate test results to determine the presence of collapsed ear canals.
- Evaluate aided sound field measures and/or real-ear aided performance measures or live speech mapping.

PRESCRIBE AND ANALYZE HEARING AID

Expected Outcomes:

- In consultation with the patient and family (taking into account their lifestyle, special needs, hearing aid style, technology and price category preferences), selecting the hearing aid that will best fit their needs.
- Provide measurable results of improved hearing thresholds and ease of communication.
- The appropriate specifications for the hearing aid will be selected.

Indication for Procedure:

- Individuals identified with hearing loss who have reached a level of acceptance regarding their loss and are ready to seek help from amplification.

Procedure Method:

- Determine hearing aid needed for severity, type and configuration of hearing loss, keeping in mind the patient's history, lifestyle and audiogram.
- Discuss with patient the various levels of technology and their different price categories to aid in determination of hearing aid prescription.
- Identify physical limitations affecting hearing instrument selection.
- Prior to dispensing the hearing aid, verification of hearing aid performance is conducted via a listening check to rule out excessive circuit noise, intermittency and/or poor sound quality.
- Perform electroacoustic analysis to determine if hearing aid is performing according to manufacturer's specifications.
- Confirm telecoil function.
- Programmable and digital hearing aids should be programmed prior to patient's arrival to ensure integrity of programming system and hearing aids.

FIT, ADJUST AND SERVICE HEARING AID

Expected Outcomes:

- Appropriate earmold/hearing aid shell configuration and material will be selected for maximum comfort and hearing aid performance.
- Alleviation of a problem with physical or acoustic comfort (i.e., occlusion, loudness, discomfort).
- Restore the aid to manufacturer's specifications.

Indications for Procedure:

- Patient is being fitted for new amplification.
- Patient or family reports a problem with the function, comfort or benefit being received from the hearing aid.

Procedure Methods:

- Assess ear canal for ear impression vis-à-vis size, length and direction.
- Perform proper ear impression procedures, e.g. otoblock placement.
- Determine earmold/hearing aid shell configuration and material.
- Examine surface of earmold and instrument for damage and sharp edges.
- Perform physical fitting of coupler and instrument.
- Appropriateness of physical fit should be assessed through ease of insertion and removal, cosmetic appeal, comfort, absence of feedback, placement of microphone port(s) and ease of volume control use when present.

- Program selected hearing aids to patient's baseline audiometric data.
- Adjust/modify hearing instrument electronics based on patient feedback.
- Make venting modifications as needed for reduction of occlusion effect and/or to control feedback. Modify shell or earmold for improved, more comfortable fit.
- In the event the patient returns with a malfunctioning hearing aid, conduct in-office internal inspection of earmold and instrument and take appropriate corrective action (suctioning wax and debris from receiver and microphone ports, cleaning corrosion from battery contacts, replacing earmold tubing, etc.). Conduct electric current drain measurement of hearing aid. If in-office repair is not possible, return aid to manufacturer for repair and offer the patient a loaner hearing aid to use while his/hers is being repaired.
- If the hearing aid needs to go to the factory for repair and it is out of warranty, inform the patient of the charges and repair warranty.
- Validation of fitting should be done with sound field testing using frequency specific thresholds and/or aided speech discrimination and speech reception thresholds or with real-ear aided measurements or with live speech mapping.
- Reprogram hearing aids based on patient feedback.

COUNSELING AND AURAL REHABILITATION

Expected Outcomes:

- Dispensers assist patients in coming to grips with the reality of their hearing loss and in the process of accepting amplification or other assistive listening devices.
- Dispensers educate the family and the patient in the ramifications of a hearing loss and what is a reasonable expectation for improved communication with amplification.
- To facilitate listening in various acoustic environments.
- To provide alerting systems to: augment the benefits of the hearing aids, establish procedures for follow-up and provide information to allied healthcare professionals.

Indications for Procedure:

- Individuals who have had their hearing evaluated.
- Individuals who are being fitted with amplification.
- Individuals who need more help than their hearing aids can provide in various situations.

Procedure Methods:

- Explain otoscopic examination and audiometric assessment to patient.
- Discuss patient's reactions to hearing instruments.
- Discuss with patient various treatment options, e.g., different levels of technology, different styles of hearing instruments.
- Provide patient with hearing rehabilitation exercises.
- Explain hearing instrument use in different listening environments.
- Instruct patient on proper instrument insertion and removal techniques.
- Counsel patient on cerumen management.
- Counsel patient regarding care and use of instrument.
- Counsel patient on battery life and insertion/removal techniques.
- Counsel patient on telephone usage with hearing instruments and assistive listening device coupling as necessary.

- Counsel patient on amplification expectations and limitations:
 - discussion of appropriate expectations for amplification include improved communication, freedom from unwanted feedback, minimization of the occlusion effect and more auditory benefit in quiet than in noise
 - patient is advised of their legal rights for hearing aid adjustment, replacement and return
 - self-assessment tools that measure degree of hearing handicap and/or pre- and post-fitting satisfaction are an appropriate tool for measuring patient satisfaction
 - instruct patient/family in effective listening techniques with hearing aids
 - counsel family members about patient's adjustment and use of hearing aids
 - provide patient with information concerning environmental modifications that can ease communication
 - may provide patient with information on speech reading or other aural rehabilitation classes
 - may include demonstration and information on devices to enhance telephone usage; listening to television; listening in church; listening in restaurants and other difficult listening environments; listening in the classroom or auditoriums; and telephone, doorbell and smoke alarm alerting systems
 - formulate long-term treatment program
 - establish methods for recording care from treatment to rehabilitation
 - counsel patient on importance of follow-up visits
 - provide physician, with patient's permission according to HIPAA standards, your audiometric evaluation and recommendations and communicate with other allied health professionals as appropriate.

OFFICE AND PRACTICE MANAGEMENT

Expected Outcomes:

- Equipment will be maintained according to sanitary guidelines and manufacturer's specifications.
- Records will be maintained in an organized and efficient manner.
- Clinical/professional knowledge and skills will be current.

Indications for Procedure:

- To standardize professional standards and practices.

Procedure Methods:

- Maintain equipment to standards of sanitation and cleanliness.
- Supervise sanitization and cleanliness of office personnel.
- Maintain equipment according to manufacturer's specifications.
- Conduct biologic check of audiometric equipment.
- Perform cerumen management procedures using standard techniques/equipment.
- Recruit, train and develop professional and administrative staff.
- Establish supervisory procedures to ensure quality care.
- Develop marketing and advertising plans.
- Provide certification to patient to receive amplified telephone systems where appropriate.

- Identify sources of patient referrals.
- Establish and maintain quality assurance procedures.
- Adopt and follow a professional code of ethics.
- Maintain adequate professional liability protection.
- Design, implement and monitor hearing care/conservation programs.
- Know governmental laws and guidelines affecting the dispensing profession.
- Update clinical/professional knowledge and skills.
- Attend professional seminars, conferences and association conventions.
- Maintain patient records in accordance with governmental regulations including HIPAA privacy standards.
- Develop and maintain effective patient/business information systems.
- Maintain and adhere to all HIPAA standards when billing electronically.
- Formulate short- and long-range business plans.
- Upgrade office computer systems (hardware and software).



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**Testimony before the Commerce and Labor Committee
Regarding Opposition to A.B. 115**

February 16, 2015

On behalf of the International Hearing Society, I would like to thank the Chair, Vice Chair and the Committee members for the opportunity to testify and submit comments on this important issue.

The International Hearing Society, founded in 1951, is a professional membership organization representing hearing aid dispensing professionals worldwide. IHS' membership and leadership include both hearing aid specialists and audiologists. IHS is also the author of the International Licensing Examination for Hearing Healthcare professionals—the licensing exam used in Nevada as well as 38 other states and 4 Canadian provinces.

IHS is interested in ensuring a legislative and regulatory framework that allows our members to do what they do best—care for the individuals in their community with hearing loss. We believe that the profession plays an important role in the hearing health continuum of care and are always working towards promoting the highest professional standards. Above all our society and our members are focused on ensuring public safety and consumer protections. As a result, we must oppose the legislation before the committee today as we feel that it could lead to diminished standards and jeopardize consumer protections.

A Distinct Profession

The practice of dispensing hearing aids constitutes a distinct and separate profession—a reality recognized under current Nevada law by the establishment of an independent board of Hearing Aid Specialists. It is a profession that requires specific training and education in order to be performed safely and effectively. If examination procedures are incorrectly performed, or if individuals are fitted with an inappropriate or mis-programmed device, harm to the patient may result. Without proper education and training, a provider may miss the signs of a serious medical condition that requires referral to a physician—a situation which could result in delayed diagnosis and treatment for the affected individual. As a distinct profession, it is important that it be regulated as such and that can only be accomplished by maintaining an independent board.

APPENDIX IV – JCC Handouts – Committee of Hearing Aid Dealer Examiners

Consumer Safety

An independent board focusing on the practice of dispensing hearing aids is the best way to ensure the highest standards of consumer protection and public safety are maintained. Merging boards of disparate professions inevitably weakens the ability of the board to concentrate on any one issue and results in less attention being paid to all of the issues before the board. As I've mentioned, the practice of fitting and dispensing hearing aids is not without risk and requires specific training and the oversight of a board that is extremely knowledgeable of the specific issues of the profession. Without that knowledge, oversight becomes less competent.

For instance, merging the boards in question here would result in Hearing Aid Specialists providing oversight for Speech Language Pathologists and Speech Language Pathologists responsible for determining what is appropriate or inappropriate in dispensing hearing aids. Neither of these professions are trained or have expertise in the other profession's field, nor should they, but with a merged board they would be responsible not only for licensing, but oversight and discipline of a profession with which they are unfamiliar. And the ultimate harm in this situation may fall on the public.

This problem is exacerbated by the legislation before the committee today by the unequal distribution of seats on the board with three speech language pathologists, two audiologists, and only one hearing aid specialist. It is inappropriate that a profession regulated by the board hold only one seat—the same number of seats reserved for the representative of the general public.

Strong and Consistent Standards

Another important component of maintaining consumer safety that I would like to address is ensuring that all hearing aid dispensing professionals – whether hearing aid specialists or dispensing audiologists are held to the same licensing and professional standards.

Audiologists receive a broad education covering many aspects of hearing health, but, as I've mentioned, hearing aid dispensing is a specialty requiring a unique knowledge base and training. Hearing aid specialists focus only on this specialty—in their training, practices, and continuing education. An audiologist, however, is concerned with a wider variety of issues and, as a necessity, is focused less on any single issue—such as dispensing a hearing aid. As a result, an audiologist's education does not alone prepare them to dispense and fit hearing aids. It is essential that all individuals dispensing hearing aids must be properly trained and demonstrate their competence by passing written and practical licensing exams in this specialty.

The bill before the committee today does require an audiologist wishing to dispense hearing aids to pass an examination determined by the board. It is important, however, that all the

requirements for dispensing professionals be uniform—from taking the same examinations, both written and practical, to any additional licensing or continuing education requirements, to consumer protections pertaining specifically to hearing aid sales. The most important thing is to ensure that all licensees can practice safely. This legislation does not specifically address the issue of parity between all dispensing professionals and therefore does not provide sufficient safeguards that ensure the highest level of consumer protection.

Professional Interference

The legislation before the committee today was not requested nor is desired by the hearing aid specialists of the state, and appears to be the effort of one profession to exert control and influence over another. For instance, the bill the committee is considering today would put into statute the requirement that hearing aid specialists applying for licensure be board certified, a provision that currently appears in regulation. The requirement for board certification for initial licensure is unusual when looking at common practices across the country. IHS believes a conversation in the state regarding the approach to licensure is needed to bring the state into line with best practices across the country and meet the dual goals of allowing competition and growth in the marketplace while maintaining high standards. Unfortunately, this bill would short circuit that conversation and make it difficult to address the issue in the future.

Summary

For these reasons, the International Hearing Society urges the committee to oppose this bill.

We all share the desire to efficiently and effectively regulate the profession in a manner that encourages the highest levels of professionalism and protects the consumer. The best way to accomplish that goal is to continue to regulate the practice of dispensing hearing aids as the distinct licensed service that it is.

Thank you, and I'd be happy to answer any questions either now or at a later time.

Michael Grogan

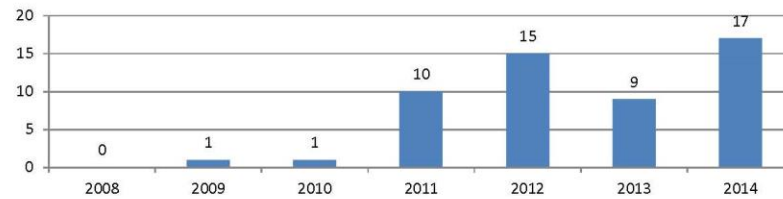
Government Affairs Manager – International Hearing Society

mgrogan@ihinfo.org – 734-522-7200

APPENDIX IV – *JCC Handouts – Committee of Hearing Aid Dealer Examiners*

**Hearing Aid Dealers
2008 to 2014**

Complaints Received



Investigations Completed

| Alleged Violation | No Violation | Referred to Another Agency | Cannot Locate Respondent | Warning Letter | Settled | Litigation File Opened | Totals |
|-----------------------------------|--------------|----------------------------|--------------------------|----------------|---------|------------------------|--------|
| No Jurisdiction | | 1 | | | | | 1 |
| Nonsanctionable Action | | 1 | | | | | 1 |
| Unlicensed Practice | | | | | 1 | | 1 |
| Employing Unlicensed Practitioner | | | | | | 1 | 1 |
| False Advertising | | | | | 1 | | 1 |
| Billing Dispute | 1 | | 3 | | | | 4 |
| Fraud | 2 | | | | | | 2 |
| Criminal Activity | 1 | | | | | 1 | 2 |
| Unprofessional Conduct | 4 | | | 1 | 1 | 1 | 7 |
| Professional Incompetence | 3 | | | 3 | 2 | 4 | 12 |
| Totals | 11 | 2 | 3 | 4 | 5 | 7 | 32 |

Litigation Completed



JOBS CREATION COMMITTEE

Plumbing Licensure Presentation

April 16, 2015

PHCC Comments: Brenda Dant, Executive Director

1. Provide an introduction and overview of the industry, your involvement and the role licensure plays to benefit practitioners and consumers.

Indiana Plumbing-Heating-Cooling Contractors is the state chapter for the PHCC National Association. PHCC is the national trade association representing nearly 5,000 union and non-union plumbing, heating, and cooling contractors throughout the United States. Indiana serves as a state association within the federation. The national office was founded in 1883 and the Indiana association was formed in 1897. Indiana PHCC has over 250 company members. Those members account for 1109 apprentice, journeymen and plumbing contractor licenses with the IPLA.

The term plumber means different things to different people. The average person may consider a plumber that worker who unclogs their kitchen drain or fixes a leaky toilet. In reality plumbers do more than install various types of pipe through which hot and cold water run. The industry refers to a plumber as any craftsman employed to provide services related to the provision of safe drinking water to and proper disposal of sanitary and stormwater wastewater. They install and repair the water, waste (sanitary and storm), drainage, and gas systems in residential, commercial and industrial structures. Essentially plumbers are health protectors.

Why Plumbing Licensing Protects Hoosiers

An unlicensed, untrained person performing plumbing work can cause a cross connection that can put themselves and the community they live in at risk of sickness, disease, and potential criminal and civil proceedings against them.

- The Center for Disease Control has documented 57 waterborne disease outbreaks related to cross-connections, resulting in 9, 734 illnesses.
- A Craun and Calderon report found that 30.3 percent of waterborne disease outbreaks in community systems were caused by contamination of water in the distribution system
- The Center for Disease Control and Prevention has prepared Ebola guidance for Workers Handling Untreated Sewage from Ebola cases in the United States that address personal protective equipment (PPE) use and PPE disposal actions. Specifically they provide protocols for plumbers.

According to the World Health Organization: *“The safety and abundance of drinking water is, of course, a concern for most people all over the world, but what is not often emphasized is the work the plumbing industry contributes every day to alleviate these concerns. Over the life of a plumbing system, periodic maintenance is required. The chances of the system continuing to function in the safest manner possible grow exponentially when the person performing that maintenance is a trained professional.”*

2. Economic impact of the industry on the state?

- *Does licensure support/facilitate economic growth? Why or why not?*

Given the increasing emphasis on college education, fewer people are entering the trades than ever before. At the same time, the level of knowledge and skill required of a plumber continues to grow as the industry becomes increasingly complex. Experience has demonstrated that the most practical and sound method of preparing workers for employment in skilled occupations is through planned apprenticeship.

Lieutenant Gov. Sue Ellspermann recently spoke at an event by challenging employers to do even more to invest in young talent in Indiana. The Indiana Career Council's strategic plan calls for 60% of the state's workers to have in-demand postsecondary skills and credentials by 2025. Aligning and engaging industry, education and the emerging workforce in work-and-learn models is a key strategy for Indiana's economic development.

Indiana Commissioner for Higher Education Teresa Lubbers recently spoke on Inside Indiana Business and said “It is abundantly clear that students who have opportunities to apply their classroom learning in a real-world setting are better prepared to meet employer expectations and succeed in their careers. We want work-and-learn experiences to become the new standard on our campuses and in our classrooms.”

Apprentice programs are indeed post-secondary education that allows individuals to achieve specialized training while earning a paycheck and contributing to the overall economy. The Plumbing apprenticeship programs are a proven example of work and learn. Apprentices finish their four-year training with good paying, secure employment and no debt. These programs are run by the industry – training individuals in a trade that cannot be outsourced—and at NO COST to the Indiana taxpayer.

- August 2012 US Department of Labor showed that skilled tradesmen who participate in an apprentice program typically earn almost a quarter-million dollars more than nonparticipants over the course of their careers.

The demand for plumbers continues to increase at a rate outpacing most other trades. According to the 2010/11 edition of Occupational Outlook Handbook published by US Department of Labor Statistics, the need for plumbers will probably grow faster than average compared to other occupations through 2018.

- The Indiana Department of Workforce Development named “Plumber” as the 20th hottest job of the future in Indiana. Hoosier Hot 50 Jobs is a listing of the 50 fastest growing, high-wage jobs of tomorrow. The list's ranking for Hoosier Hot 50 Jobs is based on expected demand and wages in 2022 for the state of Indiana. Even though the Hoosier Hot 50 Jobs focuses on the jobs of tomorrow, there are several professions that are hot now and “Plumber” is indicated as such.

What’s the average wage of professionals in the industry? What’s the average income? What is the salary range of the practitioners? (BLS data)

The Bureau of Labor Statistics figures released in May 2013 show the median income for plumbers across the country as \$53, 820 per year, or \$25.88 per hour. Apprentice hourly wages start at a percentage hourly rate of a journeyman, and increase each school semester (of 8

APPENDIX IV – JCC Handouts – Indiana Plumbing Commission

semesters) a certain percentage. For example the first semester is 50%, second is 55%, through the 8th semester to 95%.

3. Explain why licensure is needed for the industry.

Plumbing, well drilling and sewage disposal are public health issues. Plumbing is regulated by various methods in all 50 states, the District of Columbia and in most developed countries. Some regulate by state law and others by local requirements. Nineteen states have state plumbing license laws substantially equal to Indiana including registered apprenticeship requirements. Of the five states, which rely only on local licensing, two have state laws requiring them to do so. Local regulation can be effective but is actually a step backwards. Local regulation is inconsistent and actually adds needless cost and regulation to the consumer and practitioner

The minimal number of health incidents related to plumbing is a testament to the effectiveness of these regulations. Some argue that plumbing is over regulated sighting minimal incidents. One merely needs to look at the recent measles vaccination controversy. While this was not a plumbing health issue the premise of out-of-site out-of-mind applies.

When licensing is administered by the State it provides an unbiased, unquestionable foundation based on health and safety for all. Licenses assure Hoosiers that the tradesperson is qualified and accountable for the work performed. Therefore, it is crucial to obtain a license showing proficiency of installation and compliance with a code.

- *Could certifications be used as an alternative? Why or why not?*

PHCC supports the statewide licensing of apprentices, journeyman, and plumbing contractors to benefit the citizens of Indiana by ensuring a skilled and competent workforce who will protect their health and safety.

- *Provide additional background information for why the profession should be regulated.*

Plumbers must be familiar with safety procedures, hazardous material precautions, and OSHA requirements. They must understand codes and regulations, specifically the Indiana Plumbing Code, the Indiana Mechanical Code, the Indiana Building Code, the Indiana Residential Code, and the Indiana Fuel Gas Code. They must understand regulations by the Indiana Department of Environmental Management, local and state health departments and local water and sewer utilities.

They must review construction documents and be able to read a blueprint. From this they may perform calculations and determine installation locations. They install pipe made of various materials and must understand installation methods for water supply, waste, and venting. The science of plumbing is based upon hydraulics and pneumatics.

Problems reported by licensed plumbers who have been called in to repair unlicensed work:

- Improper venting (i.e., allowing sewer gases to contaminate occupied areas)
- Improper calculation of supply and water distribution lines sizes
- Products and outlets submerged, below flood-level rim resulting in cross-connection
- No protection when pipe materials of dissimilar metals are joined together resulting in one or the other of the materials corroding

APPENDIX IV – JCC Handouts – Indiana Plumbing Commission

- Lack of cleanouts in sewage or drainage systems
- Pipe hangers or supports of inadequate size
- Practices that weaken the structural integrity of a building
- Temperature pressure relief valves improperly installed
- Use of unapproved materials in the drinking water and waste water systems

In a recent fact finding interview with Mark Fasel, Fishers, Indiana Building Commissioner and past president of the Indiana Building Officials Association, he stated that licensed plumbers have far less deficiency notices than any other craft. Fishers Indiana is one of the fastest growing communities in the state and its building department inspects one hundred percent of its issued permits.

4. Recommendations for legislative or administrative changes to the licensure structure?

- *If recommendations are needed, how will these benefit consumers and practitioners?*

There is a need for a defined role for a compliance position. Or a change in the law to give more enforcement powers to local inspectors and local building officials.

5. Is the current board structure satisfactory? Is the agency structure satisfactory for managing the regulations of the industry and informing licensees?

The board structure is fair and representative of all segments of our profession.

6. Are the fees fair? Why or why not?

Yes they are fair. While it is true plumbing licensing fees are passed on to the consumer, not the taxpayer, such fees are near the lowest in the nation. Actually licensing fees incurred and passed down from crafts requiring local level licensing and doing business in multiple jurisdictions far exceeds the cost of statewide licensing to the contractor. Local licensure is inconsistent from jurisdiction to jurisdiction. Bonding requirements, a condition for local licensing, are redundant and add needless cost to the consumer. Licensing in multiple jurisdictions is burdensome and expensive for contractors. Often time contractors, because of this expense, choose not to license in jurisdictions where the opportunity for work is less. This limits the consumer's option for quality and value.

7. Are the pre-licensure educational requirements and continuing education requirements appropriate?

Plumbers in Indiana train on the job through jointly administered apprenticeship programs. The apprenticeship consists of 4 or 5 years of paid-on-the-job training and at least 144 hours of related classroom instruction per year. Classroom subjects include mathematics, construction print reading, safety, codes, and regulations. On the job apprentices learn how to work with various types of piping systems and plumbing fixtures.

8. Should the renewal cycle change? Could it be structured differently to be more centered on competency?

Our members like the two year renewal cycle. Licensed plumbers have proven competency by their apprenticeship training and the state testing requirements at the time of initial licensing. Our organization and the vast majority of our members favor continuing education requirements for licensed plumbing contractors.

9. Should the board be simplified? Is the number of board members appropriate? Should the board be combined with another similarly regulated profession?

The board has just six members, two licensed plumbing contractors, two licensed journeyman plumbers, one representative from the State Board of Health and one consumer representative not associated with the trade. We think this is an appropriate number and a fair representation.

The plumbing trade is complex and technical. Plumbers are held to numerous health and safety requirements that require specialized understanding to properly regulate the trade. We don't see the Plumbing Commission Board being combined with another Board for that reason.

APPENDIX IV – JCC Handouts – Indiana Plumbing Commission



INDIANA STATE PIPE TRADES ASSOCIATION

2930 Ludwig Road
Fort Wayne, IN 46818

Local 136
Evansville, IN

Local 157
Terre Haute, IN

Local 166,
Fort Wayne, IN

Local 172
South Bend, IN

Local 210
Merrillville, IN

Local 392
Cincinnati, OH

Local 440
Indianapolis, IN

Local 502
Louisville, KY

Local 597
Chicago, IL

Local 669
District 13 & 29
Indiana

To: Jobs Creation Committee

April 16, 2015

The Indiana State Pipe Trades Association was granted a Charter in 1914 by the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada (UA).

We represent 10 UA Locals throughout the State of Indiana that have a combined membership of 8,400 of which 2,300 are Licensed Plumbers.

Our Local Unions along with the Mechanical Contractors Association of Indiana maintain 11 jointly managed Apprenticeship Training Program Facilities with an annual budget of 6.1 million dollars.

We currently have 375 signatory employers.

Mike Menke, Executive Director

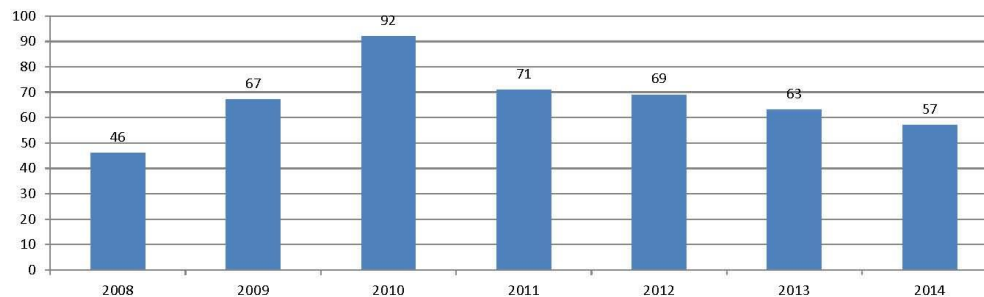
Phone 260-451-0120
Fax 260-451-0121
www.indianastatepipetrades.com



APPENDIX IV – *JCC Handouts – Indiana Plumbing Commission*

Plumbing 2008 to 2014

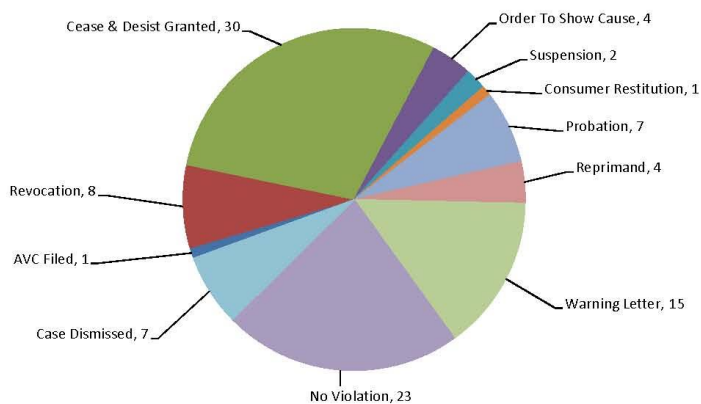
Complaints Received



Investigations Completed

| Alleged Violation | Duplicate | No Violation | Referred to Another Agency | Out of Business | Cannot Locate Respondent | Insufficient Evidence | Warning Letter | Settled | Litigation File Opened | Totals |
|-----------------------------------|-----------|--------------|----------------------------|-----------------|--------------------------|-----------------------|----------------|---------|------------------------|--------|
| Nonsanctionable Action | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| Unlicensed Practice | 2 | 48 | 0 | 4 | 3 | 34 | 52 | 5 | 40 | 188 |
| Employing Unlicensed Practitioner | 0 | 3 | 0 | 0 | 0 | 1 | 1 | 0 | 1 | 6 |
| False Advertising | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 |
| Billing Dispute | 1 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 |
| Fraud | 0 | 7 | 0 | 0 | 0 | 1 | 0 | 1 | 4 | 13 |
| Criminal Activity | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 |
| Unprofessional Conduct | 3 | 61 | 1 | 0 | 0 | 10 | 7 | 7 | 10 | 99 |
| Professional Incompetence | 0 | 26 | 0 | 1 | 0 | 3 | 12 | 11 | 6 | 59 |
| Totals | 6 | 152 | 1 | 5 | 3 | 49 | 72 | 26 | 62 | 376 |

Litigation Completed



Indiana Auctioneers Association

JCC Review – April 2015

Overview of the Auction Industry

- An auction as defined in Indiana Code 25-6.1-1-3 means:
- A sale transaction conducted by means of oral or written exchanges between an auctioneer and the members of the auctioneer's audience, which exchanges consist of a series of invitations for offers for the purchase of goods or real estate made by the auctioneer and offers to purchase made by members of the audience and culminate in the acceptance by the auctioneer of the highest or most favorable offer made by a member of the participating audience.

Types of Auction License

- IC 26-6.1-3-2
 - Auctioneer License - Every individual, before acting as an auctioneer must obtain a license from the commission.
 - Auction Company License – Every person other than: an individual who is a licensed auctioneer who is seeking to operate as an auction company must obtain a license from the commission. Notwithstanding the fact that an individual who is a licensed auctioneer also has an interest in an organization, every organization which seeks to operate an auction company must obtain a license for that auction company.

Overview of the Auction Industry

- Auctions are used to liquidate a variety of assets in a fair and commercially reasonable manner to attain the highest dollar in the current market.
- Examples:
 - Real Estate
 - Personal or Estate items
 - Business Assets (Tangible & Intangible)
 - Livestock and Farm Products
 - Machinery
 - Mineral Rights
 - Automobiles
 - State and County Surplus
 - Bankruptcy
 - Foreclosure
 - Divorce
 - Settling Estates

Indiana Auctioneers Association's Role

- The Indiana Auctioneers Association's role is to provide our members with the resources, tools and education to conduct business in an ethically and professionally superior manner.
- The Association allows auctioneers to stay current with the latest industry trends.
- The Association stands as the legislative voice for Auction Professionals in the State of Indiana.

Indiana Auctioneers Association

- We reaffirm our commitment to complying with both the letter and spirit of all state, local, and federal laws regulating the auction industry, and pledge our support and assistance in the further development of policies and programs which ensure the continued integrity and viability of the auction industry while offering adequate protection for the consumer.
- We support government regulations which strike a balance between necessary regulations to protect the integrity of the industry and the health, safety, and well-being of the public while ensuring that the concept of free enterprise without undue government intervention is maintained.
- We support the creation of a strong base for continued economic development and the creation of jobs in the State of Indiana and the modification of governmental legislation and regulations to that end. We affirm the need for Indiana to develop an environment more conducive to retaining and attracting businesses to the State.

Indiana Auctioneers Association

- We support a viable and responsible education system based upon equitable and sustainable funding sources and the State of Indiana fulfilling its constitutional mandate.
- In addition, we reaffirm our commitment to and belief in the Indiana Auctioneers Code of Ethics and the Standards of Practice contained therein.
- We urge government officials at all levels to solicit the input and expertise of the auction industry in formulating government regulatory policies.

Economic Impact - Growth

- Auctioneers are most efficient in the sale of distressed or motivated and/or highly desirable assets.
- Auctioneers are business, real estate and personal asset recyclers of the economy.
- Auctioneers are the most efficient asset converters in the economy.

Economic Impact-Average Wage

- Numbers are difficult to assimilate for several reasons. There are currently 2,923 active auctioneer license with an additional 394 auctioneer company license (as of 2/17/2015). The average salary of a Professional Auctioneer varies widely depending on a number of factors such as what type of auctions are they working: livestock, auto, general household, estates, real estate, etc. The other factors: is the auctioneer a contract auctioneer that simply calls the bid and receives a paycheck or are they an auctioneer who is doing all aspects of the transaction. Are they working for an auction company or working independent? There are many facets to the auction industry and therefore it is very difficult to pin down the average wage of an auctioneer.

Government Regulation of the Auction Industry

- The Indiana Auctioneers Association urges the Indiana Professional Licensing Agency to vigorously enforce disciplinary action for substantive violations of the license law and rules; to vigorously prosecute those engaged in the auction business without being properly licensed, to provide adequate and trained investigative and legal staff; to provide timely responses and disposition of complaints; to ensure the Indiana Auctioneers involvement in the complaint and learning process; and to exercise diligence and due process at all levels of the investigatory and regulatory process.

Licensure Benefits

- Licensure of auctioneers and auction companies protects the consumer from potential harm from mishandling, co-mingling of funds, misrepresentation, and fraud.
- Licensure of auctioneers and auction companies in Indiana is beneficial to the auctioneer and auction companies to provide consumers with the proof that the licensees are professionals with the proper knowledge and confidence of the State to handle the consumers assets.
- Licensure of auctioneers in Indiana is imperative to obtain reciprocity with other licensure states. There are currently 330 reciprocity licensees in Indiana (10% of the current license are individuals from outside the state of Indiana).

Benefits to the Consumer

- In the auction industry the consumer is uniquely both the buyer and seller.
- Licensee's are required to use contracts to protect the consumer.
- Licensee's are required to have a trust/escrow account to ensure all monies are accounted for.
- Licensee's have to meet minimum continuing education requirements.
- Consumer has a clearly defined course of action for filing complaints and proper recourse.

Benefits to the Consumer Auctioneer Recovery Fund

Auctioneer Recovery Fund:

- The Recovery Fund provides an aggrieved person the opportunity to recover damages due to the unlawful acts of a licensee.
- The aggrieved person must obtain a final judgment in any court against the licensee to recover damages.
- Licensees are assessed a fee to contribute to the fund when the balance dips below \$360,000.00.
- Consumer can recover up to \$20,000.00 in damages.
- Aggregate lifetime limit of \$50,000 with respect to any one (1) licensee.

Potential Harm if Unregulated

- Increases potential fraud and theft by those representing themselves as auctioneers or auction companies.
- Convicted criminals with a record of theft or embezzlement, who would potentially be prohibited from getting a license, could open an auction company or become an auctioneer.
- The auctioneers who rely upon reciprocity to conduct business will be significantly affected.

Alternatives to Regulation

- We believe there is **no** alternative to regulation based on the following:
 - No national certification available
 - Associations are not equipped to handle regulation, however the Association does have the capabilities of assisting in administrative duties
 - Civil Court – civil lawsuits are cost prohibitive and overly complex for the layperson
 - Financial recovery is unlikely and time consuming due to debt collection processes and the already overburdened court systems.
 - Criminal Court – prosecutors will likely not pursue unless severe physical harm or theft comes to someone involved.
 - Reactive approach will not screen out and discourage practice of unlicensed individuals.

Legislative or Administrative Changes

- In 2012 the Auctioneers license was under review through the ROEC Committee. The recommendation was to eliminate the Auction House License and Temporary Permits from the type of auctioneer license.
- By eliminating the two license types this would allow for less administrative actions therefore decreasing administrative cost.
- The elimination will allow for a more streamlined process and more efficient and consistent regulation.
- The Indiana Auctioneers Association was the lead on working with the PLA, the Auctioneer Commission and legislators to reduce the types of license.

Legislative Changes

- The Indiana Auctioneers Association believes in continued education, therefore we would ask that the Auction Companies have the same continued education requirements as the Auctioneer.
 - A principal named on the Auction Company license would be responsible for meeting the continuing education requirements.

Legislative Changes-Online Auctions

- ONLINE AUCTIONS
 - Recognizing the distinct difference between those selling as individuals, and those who engage in the professional practice of auctioneering; and given the apparent frequency of online auction fraud and the lax governmental oversight of online auctioneers, the IAA recommends that Indiana license and regulate online auctions and auctioneers under modified forms of existing state law.
 - The differences between online auctions and traditional auctioneers are minimal. The only significant difference between the two is the choice of medium.
 - The IAA believes the lack of regulatory oversight of online auctioneers constitutes an unfair advantage over traditional “brick and mortar” auctioneers. At a minimum, state-licensed auctioneers must demonstrate their knowledge of applicable state laws; contribute to recovery funds or hold a bond; pay applicable licensing fees; and adhere to professional standards set by law. In contrast, online auctioneers do not currently have to meet this burden of demonstrating their knowledge of regulation, nor do they have to adhere to a standard of conduct.

Legislative Changes-Online Auctions

- However, Indiana’s regulation of the auction industry is not overly burdensome. As written, state regulations accomplish two goals. First, the statutes outline the professional responsibilities and duties for an auctioneer. Second, these regulations protect the consumer, both bidder and seller. The majority of license law applicants must first undergo a criminal background check, and individuals convicted of felonies are barred from conducting auctions. Licensing laws also mandate auctioneers meet minimal educational requirements (high school diploma or equivalent) and age requirements. Consumers with grievances against an auctioneer can seek restitution from a states’ recovery fund or have their losses applied against an auctioneer’s bond.
- It is our belief that those individuals who conduct auctions on the Internet should be licensed in the state in which they reside. This would include those individuals who conduct such sales on consignment, who purchase property expressly for resale through such venues, or businesses that offer merchandise for sale through online auctions.
- Current licensing laws should be interpreted to include online auctions. But, they should be interpreted so as not to place an undue burden on online auctioneers, and in some cases modified to better suit this new medium. Some requirements—knowledge of bid calling practices and course of study at an accredited auction program or apprenticeship—are simply not practical for online auctioneers. Waiver of these requirements or additional legislation would lessen any undue restrictions on online auctioneers.

Board Structure/Agency Structure

- The Indiana Auctioneers Association supports the PLA and the Auctioneer Commission.
- The Indiana Auctioneers Association does not recommend that the board be combined with any other regulated profession due to the complexity of the industry.
- The Indiana Auctioneers Association would be willing to assist the PLA in administrative duties.
 - Administering the state exam
 - Assisting in the review of education auditing

Fees

- Indiana has the lowest auctioneer license fee in the United States among those states that require licensure. With that said the Indiana Auctioneers Association understands that raising the fees is not favored by the current Administration.
- Neighboring states – Ohio, Illinois and Kentucky.
 - Ohio auctioneer fees are \$200.00 initially with a bond and \$200.00 renewal biennial (every other year).
 - Illinois auctioneer fees are Initial \$200.00 with renewal of \$450.00 ever other year if paid by January 1. After January 1 the fee is \$500.00.
 - Kentucky auctioneer fees are \$150.00 initial and \$150.00 annual renewal.

Education

- **Pre-License Education**

We support specific educational requirements as a prerequisite for licensing and support the continuation of training and education throughout the professional careers of all members of our Association, to assure competent and skillful auction service to the citizens of Indiana. We recognize our responsibility to the members of the Association to make available meaningful and advanced levels of training and education.
- **Continuing Education**

We support mandatory continuing education as a condition of auctioneer's license renewal. Online Education should become a common practice and should be regulated to ensure quality delivery.

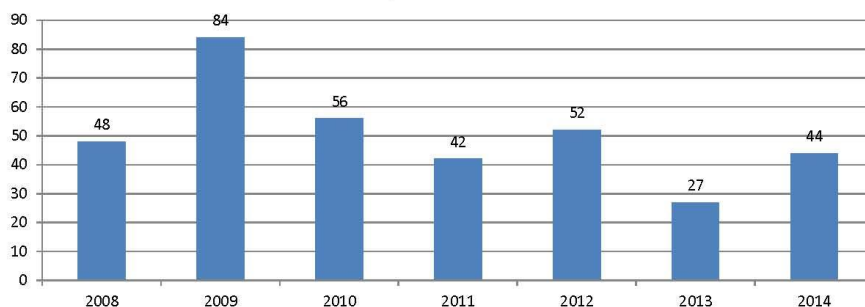
Renewal Cycle

- The current statute requires a four (4) year renewal with sixteen (16) hours of education.
- Recommendations
 - Renewal cycle be every two (2) years with eight (8) hours of education with at least three (3) of the hours being mandatory subject matter.
 - A renewal cycle of four (4) years in our opinion is too much time between renewals. With the ever changing laws, education, technology and with many auctioneers being dual licensee's (Real Estate) the Association believes the renewal cycle should be more in line with the Real Estate requirements, due to many auctioneers being dual licensed (Auctioneer and Real Estate).

APPENDIX IV – *JCC Handouts – Indiana Auctioneer Commission*

Auctioneers 2008 to 2014

Complaints Received



Investigations Completed

| Alleged Violation | Duplicate | No Violation | Referred to Another Agency | Insufficient Evidence | Warning Letter | Settled | Litigation File Opened | Totals |
|-------------------------------------|-----------|--------------|----------------------------|-----------------------|----------------|---------|------------------------|--------|
| No Jurisdiction | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 2 |
| Nonsanctionable Action | 0 | 9 | 0 | 0 | 0 | 0 | 5 | 14 |
| Unlicensed Practice | 0 | 3 | 0 | 6 | 4 | 3 | 5 | 21 |
| Breach of Contract | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| Disciplined in Another Jurisdiction | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 |
| Fraud | 0 | 1 | 0 | 0 | 1 | 0 | 2 | 4 |
| Criminal Activity | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 3 |
| Unprofessional Conduct | 1 | 78 | 2 | 10 | 12 | 13 | 103 | 219 |
| Professional Incompetence | 4 | 16 | 0 | 3 | 8 | 3 | 16 | 50 |
| Totals | 6 | 108 | 4 | 19 | 25 | 19 | 135 | 316 |

Litigation Completed

